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AMERICAN GOVERNMENT EXAM

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American Government Exam

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- **Subject review chapters** covering each of the five scoring categories
- **Tips, strategies, and advice** from veteran educators and test-prep experts
- **Key terms, sample questions, and other resources** to support your exam prep

MASTER THE™ CLEP®

American Government Exam

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Before You Begin

OVERVIEW

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WHY YOU SHOULD USE THIS BOOK

Peterson's *Master the™ CLEP® American Government Exam* is designed by test experts and educators to fully prepare you for test-day success. This helpful guide includes the following:

- **Essential test information:** We take the stress out of planning for a CLEP exam by providing all the information you'll need to know before the big day in one place—including how to register, where to go, and what to bring on the day of the exam.
- **Comprehensive coverage of the exam format:** After using this book, you'll know the structure and format of the CLEP American Government exam from start to finish.
- **Expert tips, advice, and strategies:** Our test-prep professionals are veteran educators who know what it takes to prepare well for CLEP exams—you'll get expert tools and strategies that have proven to be effective on exam day, giving you the confidence to get the credit you deserve. Consider this your inside edge as you jump-start your education or career advancement journey.
- **Test topic review:** You'll get a review of the concepts presented in each exam domain and advice on creating an effective study plan for reaching your goal score. Not only will there be no surprises on test day, but you'll also have the confidence that comes with being thoroughly prepared.
- **Diagnostic and practice tests to support your study plan:** Take a diagnostic test to help you determine your strengths and weaknesses and target your study time effectively. Then, build your confidence

with Readiness Check reviews and Test Yourself practice questions at the end of each chapter. When you're close to test day, take the practice test to gauge your progress and determine what to study in your final review.

Peterson's *Master the™ CLEP® American Government Exam* is an excellent review tool to prepare you for the exam, but it is not designed to teach you the subjects covered on the exam—all CLEP exams are intended for students who have at least some working knowledge of a topic rather than those who are complete beginners. Before signing up to take any CLEP exam, be sure to review the appropriate "Resource Guide and Sample Questions" PDF on the College Board CLEP website (**https://clep.collegeboard.org**) to verify your familiarity with the subjects and terminology presented in the outline. That said, if you are new to the topic of American Government and nonetheless want to try to pass the exam, this book can serve as a great overview of the topics you'll need to dive into deeper as you prepare.

We know that doing well on the CLEP exam is important, and we're here to help you through every step of your journey. Consider this book your test-prep compass—it will guide you through preparing for your CLEP exam and get you started earning your well-deserved college credits.

HOW THIS BOOK IS ORGANIZED

Peterson's *Master the™ CLEP® American Government Exam* provides information about the exam, tips and strategies for exam day, a diagnostic test, subject matter review, and a practice test.

- **CLEP exam overview:** Chapter 1 tells you all you need to know about CLEP exams. You'll learn about the purpose of the exams, how to register, what to do on test day, and more. We've also included a specific breakdown of what you can expect to see on the CLEP American Government exam.
- **Tips and strategies:** Chapter 2 covers a variety of study strategies and test-taking tips. We encourage you to look over this chapter periodically throughout your study to remind yourself of these tips and strategies.
- **Diagnostic test:** The diagnostic test (Chapter 3) consists of 25 multiple-choice questions, followed by an answer key and detailed answer explanations. This test is designed to measure your current knowledge.

- **Diagnostic test evaluation:** These scoring charts, examples, and instructions are designed to help you identify the areas you need to focus on based on your test results and serve as the starting point as you build a study plan to achieve your target score.
- **American Government content review:** Each of the six content review chapters (Chapters 4–9) centers on one of the main scoring categories of the CLEP American Government exam, providing a general overview of important American Government subjects, topics, and terminology.
- **Key terms:** The **bold key terms** throughout identify concepts and terminology specific to American government. If a term is unfamiliar, look up how it is used in the context of American government and add it to your study list.
- **Readiness Checks:** Readiness Checks near the end of each content review chapter (Chapters 4–9) feature questions about key concepts that you need to understand for each category on the American Government exam. While these don't cover every single question that might come up, they are a useful way to evaluate your knowledge about the main topic.
- **Test Yourself practice questions:** The Test Yourself sections at the end of each content review chapter (Chapters 4–9) consist of five practice questions from the category covered in that chapter. Use the Test Yourself questions alongside the Readiness Checks to evaluate your knowledge.
- **Practice test:** The practice test (Chapter 10) consists of 50 multiple-choice questions, followed by an answer key and detailed answer explanations. This test is designed to measure your progress after studying, but you can take it whenever it suits your study needs.

We recommend starting with the test overview in Chapter 1 and the tips and strategies in Chapter 2. Then, move on to the diagnostic test in Chapter 3. The diagnostic test is designed to help you figure out what you already know and what you need to study. It contains 25 multiple-choice questions like the ones found on the CLEP exam, and it should provide you with a good idea of what to expect and how much you need to study before the official exam.

Once you take the diagnostic test (Chapter 3), check your answers to see how you did. Read the brief answer explanations to see why a specific answer is correct and, in many cases, why other options are incorrect. Use the scoring and evaluation charts to identify the categories of questions

you missed so that you can spend your study time reviewing the information that will help you the most. As with any exam, knowing your strengths and areas for improvement greatly improves your chances of success. The sections following the diagnostic test will help you evaluate your results and create a study plan tailored to your specific needs.

Each of the content review chapters (Chapters 4–9) addresses one of the five categories covered in the CLEP American Government exam: institutions and policy processes, civil liberties and civil rights, political parties and interest groups, political beliefs and behavior, and constitutional underpinnings of American democracy. Each of these chapters summarizes the category or categories covered and various relevant subtopics. As you read these chapters, some of the information may be familiar, but take note of anything unfamiliar so that you can adequately prepare to understand the concepts as well as someone who has completed a course in American government.

After studying the topics covered on the exam, you should be ready to take the practice test (Chapter 10). Revisit Chapter 2 after you review the content chapters to remind yourself of the tips and strategies you want to use. We recommend taking the practice test toward the end of your studying to see how much you've improved since the diagnostic test and to identify any areas you may need to prioritize during your final review. The practice test consists of 50 multiple-choice questions (half the length of the full CLEP American Government exam) that reflect the distribution of question types and categories in the official exam. Be sure to read the answer explanations following the test for additional information and details, even if you answered a question correctly. For additional test prep, including more full-length practice tests as well as videos and interactives to support your study, visit **www.petersons.com/testprep/product/clep-practice-tests-american-government/**.

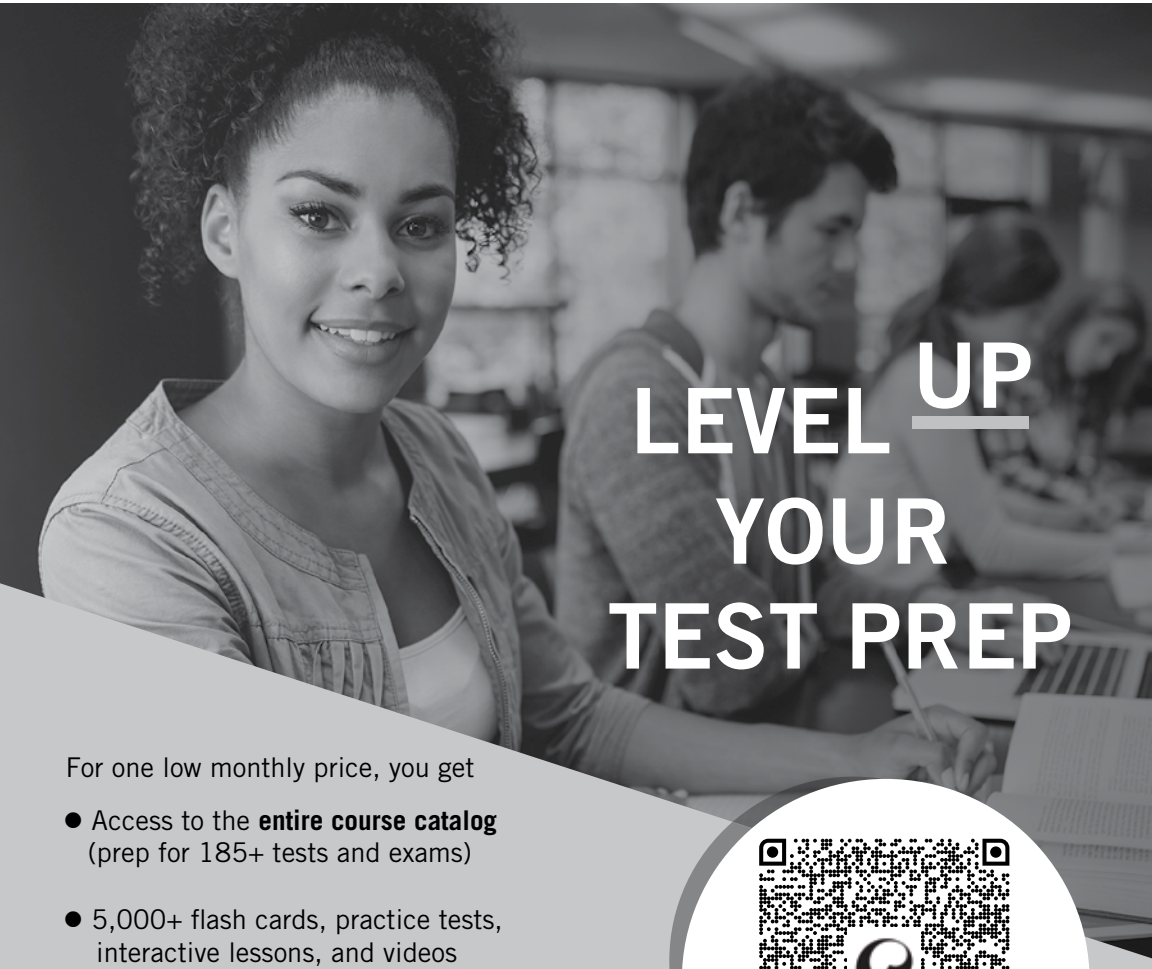
PETERSON'S PUBLICATIONS

Peterson's publishes a full line of books—career preparation, education exploration, test prep, study skills, and financial aid. You'll find Peterson's titles available for purchase at major retailers or online at **www.petersons.com**. Sign up for one of our online subscription plans and you'll have access to our entire test-prep catalog of more than 150 exams plus instructional videos, flash cards, interactive quizzes, and more! Our subscription plans allow you to study at your own pace.

GIVE US YOUR FEEDBACK

Peterson's publications can be found at your local bookstores and libraries, high school guidance offices, college libraries and career centers, and at **www.petersonsbooks.com**. Peterson's books are also available as ebooks.

We welcome any comments or suggestions you may have—your feedback will help us make educational dreams possible for you and others like you.



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Chapter 1

All about the CLEP American Government Exam

OVERVIEW

- What Is CLEP?
- Why Take a CLEP Exam?
- How Does CLEP Work?
- CLEP Test Centers
- How to Register for a CLEP Exam
- How to Prepare for a CLEP Exam
- Test Day
- CLEP American Government Exam Overview

WHAT IS CLEP?

The College-Level Examination Program (CLEP) provides an opportunity for people to earn college credit for what they have learned outside of a traditional classroom. Accepted or administered at more than 2,900 colleges and universities nationwide and approved by the American Council on Education (ACE), CLEP allows people to use their existing knowledge to fast-track their educational and professional goals.

WHY TAKE A CLEP EXAM?

CLEP is designed to address the fact that some individuals enrolling in college have already learned part of what is taught in college courses through job training, independent reading and study, noncredit adult courses, and advanced high school courses. CLEP provides these individuals a chance to show their mastery of college-level material by taking exams that assess their knowledge and skills.

CLEP is available to people in all stages:

- Adult learners
- College students
- Military service members
- Nontraditional students

Many adult learners pursuing college degrees face unique circumstances, including demanding work schedules, family responsibilities, tight budgets, and other constraints. Yet many adult learners also have years of valuable educational and work experience that could be applied toward a degree. CLEP exams allow adult learners to capitalize on their prior learning and move forward with more advanced coursework.

CLEP exams also benefit students who are currently enrolled in or are about to enroll in a college or university. With tuition costs on the rise, most students face financial challenges. The fee for a CLEP exam starts at $93 (plus any administrative fees of the testing facility)—significantly less than the average cost of a 3-hour college course. Students can maximize tuition savings by taking CLEP exams to earn college credit for introductory or mandatory coursework. With a passing score on a CLEP exam, students can move on to higher-level coursework in that subject, take desired electives, or focus on courses in a chosen major. Additionally, there are many nontraditional students who find that CLEP exams allow them to determine their own learning pace.

Including tuition and fees, the average cost of 1 college credit hour for students in 2023–2024 was

- $166 at two-year public in-district schools,
- $469 at four-year public in-state colleges,
- $1,215 at four-year public out-of-state colleges, and
- $1,731 at four-year private nonprofit colleges.

Source: Jennifer Ma and Matea Pender, *Trends in College Pricing and Student Aid 2023* (New York: College Board, 2023), https://research.collegeboard.org/media/pdf/Trends%20Report%202023%20Updated.pdf.

Members of the armed services can initiate their post-military careers by taking CLEP exams in the areas in which they have experience. As an additional incentive, CLEP exams are funded for active military personnel through the Defense Activity for Non-Traditional Education Support (DANTES) program.

A variety of savings and benefits are available to help military service members, eligible spouses, and civil service employees reach their education goals:

- **Funded exam fees:** Eligible first-time test takers will have their exam fees funded by DANTES.
- **Waived administration fees:** Eligible test takers will have their administration fees waived at DANTES-funded test centers and all on-base military test centers.
- **Free examination guides:** Eligible test takers who register for a CLEP exam will receive a free CLEP exam guide through DANTES.

Finally, the CLEP program helps many students who might otherwise feel like college is out of their reach because of the time, money, or effort required to earn the necessary credits for a degree. CLEP exams take two hours or less to complete. With good preparation, a test taker could earn credit for multiple college courses in a single weekend.

HOW DOES CLEP WORK?

CLEP offers 34 exams that cover material directly related to specific introductory-level college courses in the fields of history, social science, English composition, literature, natural science, mathematics, business, humanities, and world languages. Visit **https://clep.collegeboard.org/clep-exams** to explore the full catalog of exams.

Given the wide variety of subjects, it is important to know which colleges and universities offer credit for CLEP exams. It is likely that a college or university in your area offers credit, but you should confirm by contacting the school before you take an exam. Then review the list of CLEP exams to determine which ones are most relevant to the degree you are seeking and to your knowledge base.

Once you've confirmed that your school offers credit for CLEP exams, you can request that a copy of your score report be sent from the College Board to the school you attend or plan to attend. The school will evaluate your score and determine whether to award you credit for or to exempt you from the relevant course.

If the school awards you credit, the number of credits you have earned (ranging from 3 to 9, depending on the test subject) are recorded on your permanent record, indicating that you completed work equivalent to a course in that subject. If the school grants you an exemption to the course without credit, you'll be allowed to replace that course with one of your choice.

If you don't score enough points on the exam to earn credit from your school, take heart. You can retake the exam three months after the initial exam date. Even after paying the fee again, you'll still come out ahead in terms of time, money, and credit when you pass the exam.

CLEP TEST CENTERS

You can find CLEP testing locations at community colleges and universities across the country. Contact your local college or university to find out if the school administers CLEP exams or visit **https://clep.collegeboard.org/find-a-test-center-and-schedule-your-test** to find a convenient location. Keep in mind that some colleges and universities administer CLEP exams only to enrolled students or waive administration fees for military service members whose exam fees are funded by DANTES. CLEP testing is also available to service members at military installations around the world.

CLEP Exams with Remote Proctoring

Test takers have the option to take CLEP exams at home with remote proctoring. Remote-proctored CLEP exams have the same timing, content, format, and on-screen experience as those administered at a test center. For registration and eligibility details, go to **https://clep.collegeboard.org/about-remote-proctoring/take-clep-exam-remote-proctoring**.

HOW TO REGISTER FOR A CLEP EXAM

Follow these steps to register for a CLEP exam:

1. Sign in to My Account at **https://prod.idp.collegeboard.org** to choose your exam and the school(s) you want to receive your scores. (Test takers may send score reports to two institutions for free when they register. There is a $20 fee per score report for each additional institution.)
2. Pay for your exam(s).
3. Print your registration ticket.
4. Schedule your exam at your preferred test center. Write the test center address, contact information, and exam appointment details in the spaces provided on your ticket. Bring the ticket with you on test day.

Registering for a CLEP exam and scheduling it with a test center are separate steps.

Register, pay the fee, and print your ticket for the exam through the College Board website. Contact a test center directly to schedule the exam.

HOW TO PREPARE FOR A CLEP EXAM

Even if you are knowledgeable in a certain subject, you should still prepare for the exam to ensure that you achieve the highest score possible. The first step in studying for a CLEP exam is to find out what will be on the specific exam you have chosen. Test takers can find information regarding exam content in the individual CLEP exam's resource guide, accessed at **https://clep.collegeboard.org/clep-exams**. Each resource guide outlines the topics covered on the exam, as well as the approximate percentage of questions on each topic. Each resource guide also provides numerous sample questions just like those you'll see on test day, so you can get a basic sense of what to expect. Test questions are multiple choice with one correct answer choice and four incorrect answer choices.

In addition to the breakdown of assessed topics and sample questions, the resource guide also lists CLEP-recommended reference materials. If you do not own the recommended books, check college bookstores. Avoid paying high prices for new textbooks by looking online for used textbooks. Don't panic if you can't locate a specific textbook listed on the fact sheet; the textbooks are merely recommendations. Search for comparable books used in university courses on the subject. Using current editions is ideal and using at least two different references when studying for a CLEP exam is a good idea. The subject matter provided in this book will offer a sufficient review for most test takers, but if you determine that you need additional information as you read this book, finding a few other references is recommended.

The resource guide also includes information about the number of credit hours that ACE has recommended be awarded by colleges for a passing CLEP exam score. However, not all colleges and universities adhere to the ACE recommendations for CLEP credit hours. Some institutions require higher exam scores than the minimum scores recommended by ACE.

This book is your one-stop pocket guide to all the basic topics you'll need to know for the exam. Each chapter provides an overview of one of the scoring categories, and **bold terms** throughout the book will identify the most important things you'll need to know. Use these terms to keep track of words and names that are likely to be on the exam and to guide any additional study you may need to do as you learn what the exam will include.

TEST DAY

Once you've reviewed the material and taken practice tests, you'll be ready to take your CLEP exam. Follow these tips for a successful test day experience.

1. **Arrive on time.** Not only is it courteous to arrive on time at the CLEP test center, but it also gives you plenty of time to take care of check-in procedures and settle into your surroundings.
2. **Bring proper identification.** CLEP testing facilities require that test takers bring a valid government-issued identification card with a current photo and signature. The first and last name on your ID must match the name on your registration ticket.
    - Acceptable forms of identification include a current driver's license, passport, military identification card, or state-issued identification card. Individuals who fail to bring proper identification will not be allowed to take the exam. For a detailed list of acceptable identification, visit **https://clep.collegeboard.org/test-day/what-to-bring-on-test-day**.
    - Military test takers should bring their Geneva Conventions Identification Card. For more information on IDs for active-duty service members, spouses, and civil service employees, visit **https://clep.collegeboard.org/clep-military-benefits**.
3. **Bring the items you will need.** Be sure to have the following items with you:
    - A valid registration ticket printed from the My Account registration portal
    - Any required test center registration forms or printouts (Be sure to fill out all the necessary paperwork before test day!)
    - Any additional administration fees (Each test center charges an additional fee and sets its own policy for payment.)

4. **Leave prohibited items at home.** These items are *not* allowed at the test center:
    - Electronic devices including smartphones, cell phones, mobile digital devices (e.g., iPad devices or tablets), cameras, headphones, smartwatches, and fitness bands
    - Reading material, textbooks, reference materials (including dictionaries and other study aids), scratch paper, and any other outside notes
    - Personal calculators (Calculators are integrated into the CLEP exam software where necessary.)
5. **Take the test.** During the exam, take the time to read each question and answer choice carefully. Eliminate the choices you know are incorrect to narrow down the number of potential answers. If a question completely stumps you, take an educated guess and move on to make the most of time you have for the exam.

CLEP AMERICAN GOVERNMENT EXAM OVERVIEW

The CLEP American Government exam assesses your understanding of civics, political institutions, political policies, and behavior. According to the College Board (**https://clep.collegeboard.org/clep-exams/american-government**), you must be able to demonstrate your

- knowledge of American government and politics,
- understanding of typical patterns of political processes and behavior (including the components of the behavioral situation of a political actor) and the principles used to explain or justify various governmental structures and procedures, and
- ability to analyze and interpret simple data relevant to American government and politics.

The CLEP American Government exam allots 90 minutes to answer approximately 100 multiple-choice questions. Some of the multiple-choice questions are pretest questions that will not be scored.

The exam divides the multiple-choice questions into five categories. These are the categories and subcategories and their relative weights on the exam as listed on the College Board website:

Institutions and Policy Processes: Presidency, Bureaucracy, Congress, and the Federal Courts (30%–35%)

- The major formal and informal institutional arrangements and powers
- Structure, policy processes, and outputs
- Relationships among these three institutions and links between them
- Structure and processes of the judicial system, with emphasis on the role and influence of the Supreme Court

Civil Liberties and Civil Rights (10%–15%)

- The development of civil liberties and civil rights by judicial interpretation
- The Bill of Rights
- Incorporation of the Bill of Rights
- Equal protection and due process

Political Parties and Interest Groups (15%–20%)

- Political parties (including their function, organization, mobilization, historical development, and effects on the political process)
- Interest groups (including the variety of activities they typically undertake and their effects on the political process)
- Elections (including the electoral process)

Political Beliefs and Behavior (15%–20%)

- Processes by which citizens learn about politics
- Political participation (including voting behavior)
- Public opinion
- Beliefs that citizens hold about their government and its leaders
- Political culture (the variety of factors that predispose citizens to differ from one another in terms of their political perceptions, values, attitudes, and activities)
- The influence of public opinion on political leaders

Constitutional Underpinnings of American Democracy (15%–20%)

- The development of concepts such as
  - Federalism (with attention to intergovernmental relations)
  - Separation of powers
  - Checks and balances
  - Majority rule
  - Minority rights
  - Considerations that influenced the formulation and adoption of the Constitution
  - Theories of democracy

AMERICAN COUNCIL ON EDUCATION CREDIT RECOMMENDATIONS

Subject: American Government

Credit Hours: 3

Minimum Score: 50

Source: American Council on Education. "College Board's College-Level Examination Program." https://www.acenet.edu/National-Guide.

Note: Each institution may set its own credit-granting policy, which may differ from the ACE recommendations.

Chapter 2

Study Strategies and Test-Taking Tips

OVERVIEW

- Study Strategies
- Mindset Strategies
- Test-Taking Tips

Having knowledge of the subject is paramount if you want to do well on a CLEP exam, but there are also ways to improve your chances of achieving a high score. This chapter will cover some study strategies, mindset strategies, and test-taking tips that can help with timed testing generally and with preparing for your CLEP American Government exam using this book. Once you've reviewed the advice in this chapter, use the diagnostic test in Chapter 3 to evaluate your current skills and make a study plan.

STUDY STRATEGIES

There are myriad ways to approach studying for a CLEP exam. You've made a smart first step by purchasing this book or, perhaps, by signing up for more comprehensive study assistance at **www.petersons.com**. That said, learning the material is only part of the equation since you also need to be able to recall information in a high-pressure, timed testing environment. Being able to recall information when you need it is generally the result of effective studying and repetition. Use the following strategies to help you make the most of the significant effort you'll put into studying for your CLEP exam.

General Strategies

- **Don't wait until the last minute—start early!** Come up with a reasonable study plan and calendar early in your test-prep process and stick to it. Having a study plan allows you to make sure you understand the exam, evaluate what components you need to work on, and have plenty of time to review what you know and learn anything new.
- **Spread out your study sessions over time.** Most people are better served by several shorter study sessions spread out over time than by lengthy cram sessions. It takes time to move things you learn into long-term memory, and the more time you give yourself to learn and review different concepts, the better you'll be able to recall them on test day. Because your brain needs time to process what it learns, spreading out your studying across multiple sessions is the best way to retain what you've learned.
- **Study regularly.** People need to return regularly to information they have learned to ensure that they remember it, so learners who complete periodic reviews of what they've learned can better retain the information. Studying regularly leading up to your exam is the best way to do this—it is far more effective than cramming, which offers few opportunities to practice recalling information, or studying sporadically, which leaves gaps during which you may forget what you've learned.
- **Study intensely rather than passively.** There is a documented relationship between stress and performance. Low-stress and high-stress situations both tend to affect performance negatively. However, there is a sweet spot: the right amount of pressure and intensity can improve performance, especially when learning. To study efficiently, you are best served by short, intense intervals. Languidly skimming over notes for hours on end will do significantly less than an hour of intentional active retrieval combined with paraphrasing, mind mapping new concepts, or answering timed practice questions.
- **Develop active learning practices.** Active learning involves planning, monitoring, and reflecting on your learning process. Here are some tips for active learning:
    - Plan out your work time.
    - Read carefully and strategically.
    - Take notes in some form.
    - Assess your progress regularly.
    - Spread out your study time.

  - Keep a regular schedule.
  - Create something while studying.
  - Use metacognition techniques (such as reflective questions) to think about what you've learned so far and how you learned it.
- **Eliminate distractions.** Humans can multitask, but not very well—your divided attention is often the weakest of your attentive modes. To truly focus on the task of learning, you need to be able to isolate what you're trying to learn from other stimuli so that what you learn can register properly. One of the most significant distractors for many (but not all) people is language, whether the lyrics of a song or the dialogue of a TV show playing in the background. If your brain struggles to filter out other voices, remove yourself from environments with lots of noise and leave your phone in another room so that you won't be distracted. Remember that you don't need to do this for long periods of time since your studying is more productive in intense bursts (an hour at a time) rather than in long, drawn-out cram sessions.
- **Encode new information meaningfully.** Memory always involves a process called encoding, wherein information moves from your senses to storage for later use. There are several tricks and tips for getting information to stick around, but one of the most effective ways is elaborative encoding. When you make information meaningful to you by connecting it to your own life and interests, it is easier for your brain to store that information for later use. For example, if you think about a real-life situation relevant to your own experiences that relates to the concept you are learning, you are more likely to remember it because you've encoded it in a way that holds meaning for you.
- **Divide tasks and information into chunks.** This technique can help anyone but is especially helpful for those who have trouble focusing. Divide topics into smaller chunks of information rather than large blocks so you can deal with one chunk at a time. Resources (like this book) have organizational structures that may or may not suit your learning objectives. A chapter may cover a wide array of topics too extensive for your studying load on a given day or may not align with what you are trying to learn. In that situation, try focusing on one section, chart, or exercise at a time. Use different study strategies for different chunks of information so you don't feel overwhelmed. Reorganize resources in your notes and study materials based on relationships that you see, not necessarily on what the resource prescribes. Consider what you can cover in the time you have for a given study session and focus only on that information.

- **Vary topics and weave them together as you learn.** Alternate between topics while you study rather than dedicating large portions of time to a single topic. This strategy applies to both what you review and self-quiz in your notes as well as to practice questions. While you're at it, look for connections between different topics. How does understanding one idea help you approach another? How do different concepts relate to each other? Reflecting on these connections as you study helps solidify concepts in your mind.
- **Create new materials as you study.** To retain and understand information, you need to both be able to recall it and be able to apply it. Exposure to information in different forms and in different ways helps your brain process what you're learning but doing something with the information you're trying to learn really helps. Often, taking practice tests is one of the best ways to study, but mixing your methods before you get to the practice test can have positive results. You can try a variety of methods:
    - Create something using new information you acquire (e.g., write your own practice questions or tests).
    - Develop a visual aid that helps you make sense of new information.
    - Use different sensory modes—auditory, visual, or physical—to study.
    - Seek out additional resources to expand your research and understanding.
    - Create materials that help you engage in repetitive learning (e.g., make flash cards).
- **Assess your retention and understanding regularly.** Periodically check in with yourself and look for ways to test or elaborate on what you've learned so far. Find ways to assess your retention and understanding of new concepts using practice questions and tests or by trying to explain the concepts as if you were teaching them to someone else. Reflect on which categories and topics you have learned well and which may still need some improvement.
- **Review and summarize what you learned at the end of each study session.** This form of metacognition helps you make the most of your study time. By reflecting on what you learned and your thought processes and by summarizing new information, you are encoding that new information so you can recall it later. If you can't summarize a concept that you've just studied, devote more time to it in a future study session.

Strategies for Using This Book

In addition to using the general study strategies, there are some specific ways you can use this book to help you prepare for your CLEP American Government exam.

- **Use the Readiness Check and Test Yourself sections to help you assess your retention and understanding of new concepts.** Use these sections at the end of each content chapter to practice evaluating what you have learned and take note of what you need to review further.
- **Use the bold terms throughout this book to guide your study.** Each time you encounter a bold term in one of the content review chapters, use the opportunity to assess your knowledge. For each bolded term you encounter, ask yourself the following questions:
    - Is this term completely new to me or have I heard it before?
    - If I've heard the term before, in what contexts have I heard it used?
    - Can I define the term in my own words based on what I know or have read?
    - What contextual information surrounds the term that can help me make sense of why it's important to the study of American government?
    - Do I need to do further research to understand why this term is important?
    - Could there be a specific definition of this word that relates to American government?
- **Do additional outside research while you read this book.** This book attempts to cover the general information that any test taker needs to know for the CLEP American Government exam, but no single book can be a complete substitute for a full course. Use this book to help you figure out what you know and what you need to learn, then dive deeper if a topic seems unfamiliar. Visit your local library to find resources or talk to knowledgeable librarians who can help you find information on topics that are new to you or that you don't fully understand.
- **Consider field-specific terminology when reviewing key terms and doing outside research.** In any field, specific terms are used in contexts that would be immediately recognizable to scholars of that subject but not necessarily to outsiders. This is especially true in American government: many familiar terms like *liberty*, *right*, and *class* have specific contextual definitionsin government. Don't assume

you know what a term means because you've seen it before; instead, try to figure out how it is used in context. Add search terms like *United States*, *government*, *civil*, or *federal* to find field-specific uses of a term when searching online.

- **Research and study significant Supreme Court cases.** Several questions on the CLEP American Government exam relate to significant Supreme Court cases and their historical effects. These questions typically state the result of a particular case and ask you to identify it from a list of choices. The only way to succeed with these kinds of questions is by having a thorough knowledge of these cases by name. Chapter 9 offers an overview of the most significant landmark Supreme Court cases, so make sure to study its contents well before test day.
- **Familiarize yourself with visualized data in graphs or charts.** The CLEP American Government exam includes questions that ask you to analyze visualized data. This data most often takes the form of a graph or chart. The questions will ask you to analyze the presented information and then select the most reasonable conclusion that could be drawn from it. While you will be provided with sufficient context (meaning that you will never be required to know the source of the data), these questions can still prove challenging. Notably, they can take a lot more time to answer than others. To save time on test day, building your analytical skills related to visualizations is key. It will help you read and analyze more quickly, and you will be able to draw the correct conclusion faster. The diagnostic test (Chapter 3) and practice test (Chapter 10) in this book contain several examples of these questions, so you can turn to them as needed.
- **Use this book to guide your discussions with people who have taken an American government course.** If you know someone who has taken a course or the CLEP exam, ask them about the topics that are unfamiliar to you and ask them about topics they encountered most frequently. They will likely have insights that can help you and may even have materials you can borrow (such as class notes or old textbooks) as you study and do outside research.

MINDSET STRATEGIES

No matter which CLEP exam you take, maximizing the efficiency of your study time and approaching the test with the proper mindset can make a big difference in your performance.

Manage Your Time

While CLEP exams have rather forgiving time constraints compared with other standardized tests, time management is still a key issue and having the right mindset about it is important. A timed test does not have to cause anxiety or make you feel rushed—plan ahead so you feel confident about how you will manage your time. For the CLEP American Government exam, test takers have 90 minutes to complete 100 questions—this means that you should aim to answer each question in about 50–55 seconds. Many questions will be easy to answer and will take less time, leaving you more deliberation time for harder questions. Aim to eliminate the answer choices you can and make your best guess if you find yourself spending more than a minute or so on a question. Look for ways to save yourself time and move through the test efficiently without sacrificing accuracy.

Practice Testing Conditions

Test takers don't always think about the conditions under which they'll be testing on exam day, but the more you can mimic those conditions in practice, the more comfortable you'll be when you take your test. The diagnostic and practice tests in this book provide structure and time limits that can help recreate those conditions, but you may also want to consider your environment when you take the tests—try to mimic a testing environment and limit distractions that won't be present on the day you take the CLEP exam. By deliberately practicing testing under similar conditions, you will be practicing the mindset you want to have during the CLEP exam.

Evaluate the Stakes

You should approach the CLEP exam with careful consideration of what is at stake for you. For example, if you must pass the exam to graduate or enter a program with prerequisites, the stakes are probably higher for you than for someone taking it on a whim to bypass an expensive elective course. Higher stakes do not mean you must have a higher level of anxiety—assessing what is at stake should help you determine the appropriate amount of time and effort to devote to preparation. Depending on your circumstances, you may be able to take the exam multiple times, but each attempt requires time and energy, so make the most of your opportunity. During the exam, you can remind yourself of how well you prepared for your goal.

Build Confidence

Your goal is to be as certain as possible about the correct answer when you answer a question. Numerous strategies can help you feel confident about your knowledge—many of which are in this book—but you need to know what they are and practice them. The good news is that as you become more adept at using these strategies, you will also become more confident in your ability to perform well on your exam. Confidence correlates positively with test performance, and building confidence is a valuable part of your test preparation.

TEST-TAKING TIPS

To maximize your performance on test day, there are several things to keep in mind in addition to your knowledge of the subject matter. Prioritizing these test-taking tips will help you manage important tasks on test day and perform your best on the exam.

Before Test Day

- **Understand the directions.** Luckily, the directions for the CLEP American Government exam are straightforward—simply select the best of the five answer options for each multiple-choice question.
- **Know the expectations for each topic category.** Each of the content review chapters in this book (Chapters 4–9) covers one of the five testing categories of the CLEP American Government exam, so reading this book will ensure that you understand what's expected of you. Revisit these chapters in the days leading up to your exam to remind yourself how questions for each topic differ, how many questions to expect from each category, and how to apply the strategies you developed during your study to approach different types of questions.
- **Make sure you are rested and ready.** No one wants to take an exam hungry or groggy. Plan far in advance to make the night before your exam a relaxing one: don't study that night (you'll be well prepared by then), have a filling and nutritious dinner, get to sleep early, wake in time for a similarly filling and nutritious breakfast, and then get to your testing site early so you can settle in and relax your mind before the exam begins.

On Test Day

- **Answer every question before time is called.** Follow your time management plan to ensure you answer every question. There is no

penalty for guessing, so don't leave any questions unanswered. You can always note which answers you guessed and review them later. If you're running out of time, spend the last couple minutes of your exam guessing on all the questions that remain. Take time to eliminate answers you're pretty sure are incorrect first to improve your chance of guessing correctly—if you can eliminate two choices you know are incorrect, your chance of guessing correctly jumps from 1 in 5 to 1 in 3.

- **Use all the time you're allotted.** There is no such thing as "finishing early" with a timed test—use every minute you're given!
- **Make time for review.** Save time for review by following your time management plan. Use the time you have left to review your answers and return to more difficult questions, particularly those on which you had to guess.
- **Prioritize the questions you can answer with confidence.** As you take the exam, prioritize the easiest questions and those you feel most confident about first, then move on to harder questions. This way, you maximize the number of questions you are likely to get right. After you have answered all the questions, flip this priority arrangement—start by reviewing the questions you feel least confident about and then review those about which you feel more certain.
- **Be certain of your answers.** Don't just select an answer that seems right and call it a day. Review all the answer options and eliminate incorrect options as best you can so you can be more certain of the answer you do select even if you end up having to guess. Even when you feel confident about an answer, read the other options to make sure there isn't a better answer.
- **Guess as few answers as possible.** While it is better to guess than leave a question blank, your goal should still be to maximize the number of questions you can answer confidently. The more you practice time management and the more answer choices you can eliminate, the fewer answers you will have to guess.

These study strategies and test-taking tips will help you as you prepare for your exam. The more familiar you are with them and comfortable you are practicing them, the easier they will be to implement on test day. Return to this chapter as you read through the content chapters of this book and before you take the practice test in Chapter 10. By using these strategies and tips as you prepare, you'll be able to perform your best on your CLEP American Government exam.

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Chapter 3

Diagnostic Test

OVERVIEW

- Diagnostic Test
- Answer Key and Explanations
- Interpreting Your Diagnostic Test Results
- Evaluating Your Strengths and Areas for Improvement
- Setting Goals
- Creating a Study Plan
- Using This Book

An answer sheet for this test can be found on page 185.

DIAGNOSTIC TEST

This diagnostic test and the time allotted are a quarter of the length of a full CLEP American Government exam.

25 Questions—23 Minutes

Directions: Each of the questions or incomplete statements below is followed by five suggested answers or completions. Select the one best answer for each. The Answer Key and Explanations will follow.

1. Which of the following is not a standing committee of the US Congress?

   A. Agriculture
   B. Appropriation
   C. Veterans' Affairs
   D. Investigations
   E. Budget

2. All the following statements express principles upon which the US Constitution was founded EXCEPT:

   A. Every state is equal and the national government cannot give special rights to an individual state.
   B. There should be three branches of government to make, execute, and interpret the nation's laws.
   C. All men are equal before the law regardless of social standing.
   D. The best government is a government by laws, not men.
   E. All citizens should have the right to keep and bear arms.

3. The state officer typically responsible for overseeing federal elections at the state level is the

   A. secretary of state
   B. attorney general
   C. state auditor
   D. governor
   E. state treasurer

4. Which of the following Supreme Court cases refuted the doctrine of "separate but equal"?

A. *Baker v. Carr*
B. *McCulloch v. Maryland*
C. *Brown v. Board of Education*
D. *Garcia v. San Antonio Metropolitan Transit Authority*
E. *Miranda v. Arizona*

5. All the following are common stances of contemporary American Democrats EXCEPT:

A. Support for abortion rights.
B. Concern for the rights of those accused of crimes.
C. Resistance to state involvement with religious institutions.
D. Support for international organizations such as the United Nations.
E. Opposition to the expansion of governmental activity and regulation.

6. Which of the following do NOT actively lobby Congress?

A. Labor unions
B. Political parties
C. Corporations
D. Foreign governments
E. Senior citizens

7. Which of the following statements best reflects a viewpoint typical of American conservatives?

A. Ensuring social justice and equal opportunity is essential, so the government should play an active role in providing social services, regulating the economy, and protecting both civil rights and the environment.
B. Equity and social welfare are fundamental, so the government should manage key industries and make sure resources are distributed evenly. Government should also provide comprehensive social services, oppose oppression where it occurs, and work to reduce economic inequality.
C. Individual liberty and personal responsibility are paramount, so a small government is best. The United States should avoid getting involved in foreign issues, and the government's ability to interfere with the free market or impose undue taxes should be limited.
D. Preserving traditional values and morals and promoting individual responsibility is crucial, so the government should limit its focus to defending the country and maintaining law and order while also promoting free enterprise and reducing taxes and regulations.
E. Pragmatic solutions, compromise between political extremes, and balanced approaches are all key, so the government should be involved where necessary to ensure stability and fairness but also respect individual freedoms and promote a healthy economy through a mix of regulation and free market principles.

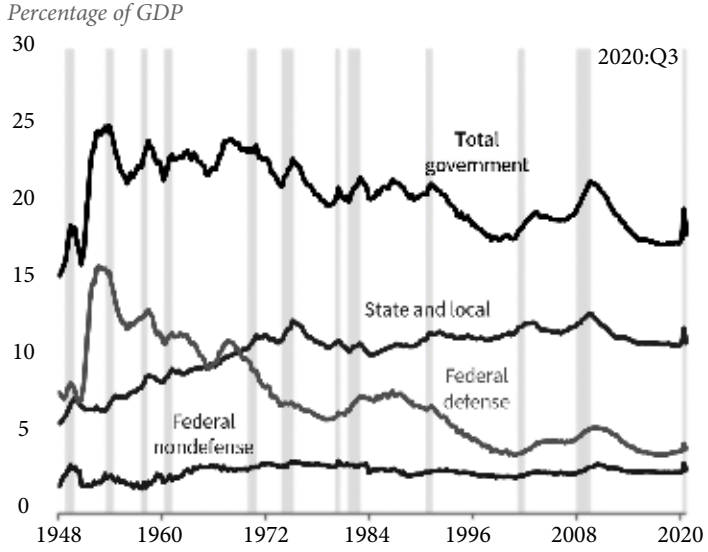
8. Which of the following is responsible for the conservation of America's natural resources?

A. Department of the Interior
B. Department of Justice
C. Department of State
D. Department of the Treasury
E. Environmental Protection Agency

9. All of the following are constitutional rights EXCEPT:

A. Freedom of speech.
B. Equal protection.
C. Due process.
D. Freedom of religion.
E. Work.

Government Purchases as a Share of GDP, 1948–2020



Note: Shading denotes a recession.

Source: *Economic Report of the President*, January 2021, Figure 10-4, 293. Data from Bureau of Economic Analysis; CEA calculations. https://www.whitehouse.gov/wp-content/uploads/2021/07/2021-ERP.pdf.

10. The figure above best supports which of the following statements?

A. Federal nondefense purchases accounted for the majority share of GDP between 2008 and 2020.
B. Government spending exceeded the GDP during the early 1950s and late 2000s.
C. Throughout the 20th century, federal defense spending has made up the largest proportion of government spending compared with the GDP.
D. The share of the national GDP taken up by federal defense purchases has fallen significantly in the latter half of the 20th century.
E. In 2020, the ratio of government purchases to GDP was historically high.

11. Which of the following is granted by the US Constitution?

A. Protection from cruel and unusual punishment
B. A trial by jury in all civil and criminal cases
C. The right to vote for all citizens aged 21 or older
D. Provision of reasonable health and medical care
E. Indictment by a grand jury

12. Which of the following statements accurately describes the federal and state court systems?

I. While federal courts interpret federal law, state courts focus solely on constitutional law.
II. Both are directed by an attorney general.
III. They function in a parallel manner so that federal courts may receive appeals from state courts.

A. I only
B. III only
C. I and III only
D. II and III only
E. I, II, and III

13. Which of the following committees in the House of Representatives gets the greatest attention from lobbyists?

A. Armed Services
B. Appropriations
C. Veterans' Affairs
D. Judiciary
E. Rules

14. The phrase "enumerated powers" describes the

A. powers granted to Congress by the Constitution
B. powers granted to the Supreme Court by the Constitution
C. range of privileges afforded a sitting president by Congress
D. numerous ways a president may use executive orders, according to the Constitution
E. power of Congress to impeach the president, according to the Supreme Court

15. The principle that federal law must be followed even when it conflicts with state law is derived from the

A. Establishment Clause
B. Supremacy Clause
C. Due Process Clause
D. Necessary and Proper Clause
E. Guaranty Clause

16. An occasional historic shift of public opinion and voter concerns that changes a party's traditional base of support is called

A. realignment
B. plurality
C. conservatism
D. delegation
E. census baiting

17. The system of checks and balances incorporates the idea that

A. federal expenditures should be measured by their effectiveness
B. legislative and executive power should pass through the judiciary
C. weakness in government is better than strength
D. leaders must earn the trust of the people
E. power must be used to offset power

18. Spending by the national committees of the political parties to support the election of congressional candidates is known as

A. coordinated spending
B. logrolling
C. hard money spending
D. matching funds
E. clean money

19. Which of the following is NOT a due process right?

A. The right to be free from unlawful search and seizure
B. The right to retain an attorney
C. The right to remain silent
D. The right to trial by jury in all criminal and civil cases
E. The right to not be tried twice for the same crime

20. Which of the following statements about the Bill of Rights are accurate?

I. The Bill of Rights was intended to limit the powers of the federal government.

II. It stipulated that failure to include a right when authoring the Bill of Rights did not mean that people do not or should not have that right.

III. The Bill of Rights constitutes the first 12 amendments of the Constitution.

A. I only
B. II only
C. III only
D. I and II only
E. I, II, and III

21. The "excesses of democracy" decried by the founders of the Constitution pertained to the

A. carnival atmosphere that prevailed during elections
B. tyranny of the majority over the minority
C. expansion of the vote to women and minorities
D. large deficits caused by pork barrel legislation
E. destruction of social and class distinctions

22. In which of the following cases did the Supreme Court rule that police must inform suspects of their rights at the time of their arrest?

A. *Marbury v. Madison*
B. *Bowsher v. Synar*
C. *Miranda v. Arizona*
D. *Lochner v. New York*
E. *Ferguson v. Skrupa*

23. The largest entitlement program of the federal government is

A. Supplemental Nutrition Assistance Program
B. Medicaid
C. National defense
D. Social Security
E. Medicare

24. A coherent set of values and beliefs about the purpose and scope of government describes an individual's

A. political socialization
B. class consciousness
C. family history
D. political ideology
E. socioeconomic class

25. Since the Second World War, presidential approval ratings have generally

A. risen gradually until midterm elections, then fallen between election cycles
B. declined gradually after inauguration until the end of the administration
C. increased gradually from inauguration until the end of the administration
D. fallen dramatically after midterm elections, then risen
E. risen dramatically after inauguration until the end of the administration

ANSWER KEY AND EXPLANATIONS

1. D	**6.** B	**11.** A	**16.** A	**21.** B
2. E	**7.** D	**12.** B	**17.** E	**22.** C
3. A	**8.** A	**13.** B	**18.** A	**23.** D
4. C	**9.** E	**14.** A	**19.** D	**24.** D
5. E	**10.** D	**15.** B	**20.** D	**25.** B

1. **The correct answer is D.** There is no committee for investigations, although Congress may create committees to conduct investigations if the need arises. All the other answer choices are standing (permanent) committees of both the House and Senate.

2. **The correct answer is E.** The right to bear arms is the 2nd Amendment in the Bill of Rights; it was not a founding principle of the US Constitution. All the other answer choices deal with general principles of American governmental philosophy and structure rather than particular rights.

3. **The correct answer is A.** The secretary of state is appointed by the governor to supervise the election process. For example, in the controversial 2000 presidential election, it was Florida's Secretary of State Katherine Harris (appointed by Governor Jeb Bush) who was responsible for making sure that Florida's contested election was free, fair, and impartial.

4. **The correct answer is C.** The 1954 case of *Brown v. Board of Education* overturned the 1896 ruling of *Plessy v. Ferguson* that had approved the standard of "separate but equal." In *Brown v. Board of Education*, the Supreme Court decided that separate schooling could never be equal and ordered that all schools be desegregated.

5. **The correct answer is E.** The contemporary American Democratic Party tends to see a larger role for the government compared with the contemporary Republican Party as well as other conservative movements, particularly in the regulation of business and industry. All other answer choices reflect core beliefs of the American political left.

6. **The correct answer is B.** Political parties do not lobby Congress, and almost all members of Congress belong to an established political party, which would make lobbying by the political parties redundant. Most interest group lobbies are created specifically to petition Congress to change or maintain specific government policies or laws.

7. **The correct answer is D.** Conservatives tend to favor less involvement in the economy, strong government support for the military and those who maintain law and order (such as the police), and government support for traditional moral values. Each of the other choices represents another political group in the United States: liberals (choice A), socialists (choice B), libertarians (choice C), and centrists (choice D).

8. **The correct answer is A.** The Department of the Interior is responsible for most federally owned lands including those of the National Park Service. It is also responsible for protecting wildlife through the Fish and Wildlife Service. Although the Environmental Protection Agency (choice E) plays an important role in protecting the environment, it does not have the broad powers and responsibilities of the Department of the Interior.

9. **The correct answer is E.** While some states have enacted laws to this end, there is no "right to work" included in the Constitution.

10. **The correct answer is D.** The share of the national GDP taken up by federal defense spending has consistently fallen over the last several decades. The figure shows that federal nondefense purchases represented the lowest percentage of the GDP rather than the majority share, so choice A is incorrect. Choice B is incorrect because the highest share of the GDP that government purchases represent on this graph is approximately 25% in the early 1950s, which also eliminates choice E, as several periods on the graph show a higher ratio of government purchases to GDP than the year 2020. Choice C ignores the period from the mid-1970s to the present in which state and local purchases represent a larger share of the GDP than federal defense spending.

11. **The correct answer is A.** The 8th Amendment protects criminal defendants from excessive bail, fines, and cruel and unusual punishment. The right to a trial by jury (choice B) is only protected for criminal cases, rather than both civil and criminal cases. The voting age in the United States is 18, so choice C is incorrect. Health insurance is not a right protected by the Constitution, so choice D is incorrect. Finally, indictment by a grand jury is conditional upon several legal factors, so is not applicable to all defendants and not protected by the Constitution.

12. **The correct answer is B.** Statement III is correct: for federal courts to receive appeals from state courts, they must function in a parallel manner. Statement I is incorrect because both courts must address constitutional issues. Statement II is incorrect because an attorney general's job is to represent the United States in legal matters, not to govern the court system.

13. **The correct answer is B.** The Appropriations Committee receives greater attention from lobbyists because it provides funding for regulatory agencies and government contracts. Committee members receive large campaign donations from the health, defense, and energy industries.

14. **The correct answer is A.** Congressional powers explicitly outlined in the Constitution are known as enumerated powers.

15. **The correct answer is B.** The Supremacy Clause declares that the Constitution "shall be the supreme law of the land" and that all state laws shall be subordinate to it.

16. **The correct answer is A.** The term *realignment* is generally applied to national elections that clearly shift the policies, voting demographics, or balance of power between the two major political parties in the United States or that replace one of the two major political parties with a third party. Realignment may be based on many factors, such as the reaction to party positions on a critical issue of national concern (as was the case with the slavery issue in the 1860s), credit or blame for handling a national crisis (such as the Great Depression of 1929), or substantial changes in the demographic composition of the voting populace.

17. **The correct answer is E.** The system of checks and balances was designed to prevent abuses of concentrated power. The founders believed that power was best countered with power. The system they created balances and divides powers to produce a stable and democratic government that has thus far avoided the dangers of tyranny.

18. **The correct answer is A.** Coordinated spending has been an important tool for both parties in supporting congressional candidates. Advocates of campaign finance reform have targeted coordinated spending because the limits on contributions to national parties are less stringent than those on contributions to individual candidates.

19. **The correct answer is D.** Due process rights protect the accused and define the process the government must follow before punishing criminals. Although trial by jury is a due process right for criminal matters, it does not apply to all civil cases.

20. **The correct answer is D.** The Anti-Federalists feared that a strong federal government would result in tyranny. They insisted that the Constitution include a list of things that the government "couldn't do." With a Bill of Rights limiting the power of the federal government, the Anti-Federalists agreed to support the Constitution. Still, some feared that if the Constitution enumerated certain rights and not others, future lawmakers would interpret this to mean that ONLY those rights listed in the Constitution would be protected. The 9th Amendment was included to account for this, since it stipulates that "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Statement III is inaccurate—the Bill of Rights is the first 10 amendments.

21. **The correct answer is B.** The founders feared that a fully empowered majority would always threaten the individual rights of the minority. Jefferson said, "An elective despotism was not the government we fought for." For this reason, the founders decided upon a federal republic with checks and balances and constitutional rights that prevented a majority from exercising excessive power over a helpless minority.

22. **The correct answer is C.** In *Miranda* v. *Arizona* (1966), the Supreme Court ruled that, at the time of their arrest, suspects must be informed of their right to remain silent and to have an attorney. These rights are commonly referred to as Miranda rights.

23. **The correct answer is D.** Entitlement programs deliver aid to all individuals who meet the eligibility conditions specified by law. The largest entitlement program is Social Security. Medicaid (choice B) and Medicare (choice E) are also large but not as large as Social Security.

24. **The correct answer is D.** A political ideology is an interrelated set of values and beliefs about the role of government in society. Political socialization (choice A) is the socialization process through which individuals develop their political beliefs, often as a result of their family history (choice C), friends, education, or other social circles. Class consciousness (choice B) refers to an awareness of socioeconomic class (choice E), which is a determining factor in how much power an individual holds within society related to their capital or monetary worth.

25. **The correct answer is B.** After being elected, most presidents experience higher approval ratings compared with the amount of support they received during the election period. However, the actions of each president tend to alienate some of their supporters. Barring a war or other major event, approval ratings tend to fall gradually over time as groups of voters become less satisfied with the president.

INTERPRETING YOUR DIAGNOSTIC TEST RESULTS

Now that you've taken the diagnostic test to establish a baseline, it's time to interpret your score. The purpose of a diagnostic test is exactly what it sounds like—it diagnoses your strengths and weaknesses so you can make informed decisions about how you want to study going forward. While this diagnostic test is only a quarter of the length of the full 100-question CLEP American Government exam, the ratio of question types and the time allotted reflect the conditions of the full-length exam. CLEP uses a formula to convert your raw score into a scaled score ranging from 20 to 80, so your raw score doesn't translate exactly into your final score on the exam, but your performance on this diagnostic test can help you determine the areas where you might want to direct your focus when studying.

The CLEP American Government exam covers five distinct testing categories, each of which are weighted differently.

Category	Percentage of Total Questions
Institutions and policy processes	30%–35%
Civil liberties and civil rights	10%–15%
Political parties and interest groups	15%–20%
Political beliefs and behavior	15%–20%
Constitutional underpinnings of American democracy	15%–20%

Let's look at your diagnostic test scores by category. Record your score for each category in the following chart.

MY DIAGNOSTIC TEST SCORES BY CATEGORY		
Category	**Question Numbers**	**Raw Score**
Institutions and policy processes	1, 3, 8, 10, 12, 14, 17, 23	_____ /8
Civil liberties and civil rights	4, 9, 19, 22	_____ /4
Political parties and interest groups	6, 7, 13, 18	_____ /4
Political beliefs and behavior	5, 16, 24, 25	_____ /4
Constitutional underpinnings of American democracy	2, 11, 15, 20, 21	_____ /5
Total Raw Score		**_____ /25**
Full Test Raw Score Projection*		**_____ /100****

* Multiply raw score by 4.

** CLEP's full-length exam is approximately 100 questions; this diagnostic will provide a rough estimate.

Admittedly, evaluating your diagnostic score comes with some limitations; you can only calculate a raw score (rather than a score weighted using CLEP's techniques) and the limited number of sample questions can only help you guess at which categories are a struggle for you. However, it gives you a broad snapshot of your strengths and potential growth areas as you prepare for your exam.

EVALUATING YOUR STRENGTHS AND AREAS FOR IMPROVEMENT

Now that you can see how you performed in each category, reflect on your strengths and areas for improvement.

- What went well for you during the diagnostic test? Which categories were easiest for you?
- What did you struggle with during the diagnostic test? Which categories were hardest for you?
- After your experience, what are some things you want to keep in mind as you study?

Let's look at an example of a hypothetical test taker's diagnostic test scores and self-evaluation as a guide to help you pinpoint your strengths and areas for improvement in the context of the scoring categories. If you really cannot identify a strength or space for improvement in a category, mark *not applicable* (n/a).

DIAGNOSTIC TEST SELF-EVALUATION EXAMPLE

Full Test Raw Score Goal: 70/100

Category	Correct Answers	Strengths	Areas for Improvement
Institutions and policy processes	3/8	I had a good working knowledge of political powers and institutions.	I need a better understanding of specific policy goals.
Civil liberties and civil rights	1/4	I recognized the names of some important civil rights.	I need to recognize more of the significant Supreme Court cases that are tied to civil liberties.
Political parties and interest groups	2/4	It did not take me a long time to answer these questions.	I need to understand the difference between different political parties better.

DIAGNOSTIC TEST SELF-EVALUATION EXAMPLE (*CONTINUED*)			
Category	**Correct Answers**	**Strengths**	**Areas for Improvement**
Political beliefs and behavior	3/4	I knew a handful of the terms and understood most of the presented data.	I need to manage my time better because these questions took me longer to answer than others.
Constitutional underpinnings of American democracy	2/5	I understand the Bill of Rights well.	I could learn more about the historical origins of the Constitution and its effects on contemporary political processes.
Raw Score	**11/25**	**I understand general concepts about government pretty well.**	**In general, I need to pay more attention to specific details and historical precedents.**
Full Test Raw Score Projection*	**44/100****		

* Multiply raw score by 4.

** CLEP's full-length exam is approximately 100 questions; this diagnostic will provide a rough estimate.

Now fill in your answers based on your diagnostic test results. Try to evaluate your strengths and areas for improvement in each category.

DIAGNOSTIC TEST SELF-EVALUATION			
Full Test Raw Score Goal: _____ /25			
Category	**Correct Answers**	**Strengths**	**Areas for Improvement**
Institutions and policy processes	_____ /8		
Civil liberties and civil rights	_____ /4		

(*continues*)

DIAGNOSTIC TEST SELF-EVALUATION (*CONTINUED*)			
Category	**Correct Answers**	**Strengths**	**Areas for Improvement**
Political parties and interest groups	_____ /4		
Political beliefs and behavior	_____ /4		
Constitutional underpinnings of American democracy	_____ /5		
Raw Score	**_____ /25**		
Full Test Raw Score Projection*	**_____ /100**		

* Multiply raw score by 4.

** CLEP's full-length exam is approximately 100 questions; this diagnostic will provide a rough estimate.

Keep these reflections in mind as you set goals for yourself and create a study plan.

SETTING GOALS

Now that you've reflected on your diagnostic test experience, think about your goals. If you decided to take your exam tomorrow without any further preparation, and you did things the exact same way, you would likely perform the same way you did on the diagnostic test. Since you are using this book, you likely have some time to prepare for the exam, which means you have ample opportunity to improve your performance.

As a CLEP test taker, your general goal is to maximize the number of questions you answer correctly so that you have the best chance of scoring high enough to earn credit. The American Council on Education (ACE) recommends a scaled score of 50 (on a scale of 20 to 80) as a credit-earning score for CLEP American Government and most other CLEP exams. However, individual schools may require a higher score than ACE recommends. Be sure to verify that your institution(s) of choice accept(s) CLEP American Government exams for credit, then find out the minimum credit-earning scaled score required. Please note that the process for calculating a scaled score from a raw score varies by test subject and test form. There is no universal way to determine whether your raw score will earn you credit. However, the common guidance is that answering 70% of questions correctly will put you near the ACE-recommended score. That value can act as a general goal, but first prioritize building on your strengths and addressing the areas of improvement that you identified in your Diagnostic Test Self-Evaluation. From there, you can set a score goal that works for you and make a study plan to achieve it.

CREATING A STUDY PLAN

When creating a study plan, first determine how much time you have to devote to preparation. If you have an hour a day for several months, you'll probably approach things differently than someone who is trying to study as comprehensively as possible in two weeks. Figure out how much time you have and set a reasonable goal for how much studying you would like to do in that time. Then, divide up the amount of preparation time you have according to your study priorities. Only you can determine the best way to do this. However, your diagnostic test offers helpful clues about how to do this most effectively.

Determining What to Study

The hypothetical test taker achieved a raw score of 11/25 on their diagnostic test, which would translate to a raw score of 44 on a full-length exam. They are aiming for a raw score of 70, meaning they'll need to answer at least 26 more questions correctly on the full-length exam to achieve their goal. The test taker can now use this information to plan their study time.

The test taker should start by looking at the category (or categories) in which they performed best: political beliefs and behavior. It might seem like this test taker doesn't need to spend any time studying this topic; however, strong categories are an opportunity to pick up extra points that can compensate for questions missed in difficult categories. Moreover, the test taker noted that for at least one of their stronger categories (constitutional underpinnings of American democracy), they likely do still need some study time. The test taker will want to focus more time on other categories, but they should still make at least some time to study their stronger categories, particularly regarding any areas for improvement they identified in their analysis.

Next, the test taker should consider the category or categories in which they had the lowest performance: in this case, civil liberties and civil rights. From there, they should identify which category is weighted most significantly and select that as their highest priority category—this test taker would thus identify institutions and policy processes as their highest study priority and the others as secondary priorities. Even for categories that are weighted lower, the test taker has the most room to improve in areas where they struggled and should plan to spend a bit of extra time on those categories.

The test taker should continue to apply this analytical process to the remaining categories. They should consider how much room there is for improvement in each category and how they can use the strategies that will help them most.

Creating a Study Schedule

After the test taker has analyzed their diagnostic test results and prioritized their study plan by category, they can create a schedule. Let's say our test taker has 1 hour per weekday for 5 weeks to study for their exam. At the end of the 5 weeks, they plan to take a practice test (Chapter 10 in this

book) a week before their official exam, saving time in the last week for any last-minute review based on the results of their practice test.

This test taker has 25 total hours to devote to studying before their practice test and 5 more available for review after the practice test. Accordingly, they might plan their time as follows:

Institutions and policy processes	7 hours
Civil liberties and civil rights	7 hours
Constitutional underpinnings of American democracy	5 hours
Political parties and interest groups	3 hours
Political beliefs and behavior	2 hours
Review before practice test	1 hour
Review after practice test	5 hours

It's a good idea to approach plans flexibly and adjust as you progress. If the test taker felt confident that they had reviewed institutions and policy processes thoroughly after 6 hours of study and decided to spend a spare hour on another category instead, that would still be a perfectly suitable plan. The test taker could even break down their study plan by day to stay on track, as in the following example.

STUDY PLAN EXAMPLE

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	Institutions and policy processes	Civil liberties and civil rights	Institutions and policy processes	Civil liberties and civil rights	Institutions and policy processes
Week 2	Institutions and policy processes	Civil liberties and civil rights	Institutions and policy processes	Civil liberties and civil rights	Institutions and policy processes
Week 3	Institutions and policy processes	Civil liberties and civil rights	Civil liberties and civil rights	Civil liberties and civil rights	Constitutional underpinnings of American democracy
Week 4	Political parties and interest groups	Constitutional underpinnings of American democracy	Political parties and interest groups	Constitutional underpinnings of American democracy	Political parties and interest groups

(*continues*)

STUDY PLAN EXAMPLE (*CONTINUED*)					
	Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
Week 5	Political beliefs and behavior	Constitutional underpinnings of American democracy	Political beliefs and behavior	Constitutional underpinnings of American democracy	Review
Week 6	Review concepts missed on the practice test				

Of course, you can allot your study hours in any way that makes sense for you—and not everyone will be able to plan their studying in such an orderly fashion. Some test takers will also benefit from focusing on more than one category in each study session. Nonetheless, creating a specific study calendar that dedicates time to different categories and for returning to them later for review is a good idea. It also is a good reminder that multiple repetitions correlate with a better chance of meeting your score goals. Plan to include variety and ample opportunity to review categories you have already studied. If you follow a clear study plan, then by the time you take your practice test, you will be thoroughly prepared to improve your score.

USING THIS BOOK

Remember that a CLEP exam isn't just about what you know but also how well you can remember foundational details across the entirety of the material covered in a semester-long course. The diagnostic test provides a snapshot of how you might perform on your CLEP exam, but it's not the entire picture—you also likely know which aspects of the subject matter you know better, and which will require more review. Use your diagnostic test to form an initial study plan but recognize that you may need to adjust how you divide your study time as you review the five categories covered on the exam. Each category is covered in Chapters 4–8, and Chapter 9 supplements all categories by offering a clear overview of key Supreme Court cases.

As a reminder, the **bold key terms** throughout this book highlight important concepts that are likely to come up on your exam. Alongside the study plan you make based on your diagnostic test results, these bold key terms can help guide any research you may need to do beyond this guide to

feel fully prepared for your CLEP exam. Information found in tables and charts should also be considered important, even if a term is not bolded within the chart. As with all CLEP exams, you may still encounter questions about more obscure topics than those presented in this guide, so utilize any other knowledge or resources you have as you work through the content categories. You can also find a wealth of supplementary materials to fill out your study plan—including full-length practice tests, videos, and interactive presentations—at **www.petersons.com/testprep/product/clep-practice-tests-american-government**.

Chapter 4

Institutions and Policy Processes: Presidency, Bureaucracy, Congress, and the Federal Courts

OVERVIEW

- Formal Powers
- Informal Powers
- Structure, Policy Processes, and Outputs of the US Government
- Relationships between Federal Branches and External Influences
- Structure and Processes of the Judicial System
- Conclusion
- Readiness Check: Institutions and Policy Processes
- Test Yourself: Institutions and Policy Processes

The US government is a complex entity founded on constitutional principles and continuously reshaped by political and social changes. Each of the three branches of the federal government—the **executive branch**, the **legislative branch**, and the **judicial branch**—hold specific powers and duties and must operate within the detailed system of **checks and balances** that prevents any single branch from gaining too much power. These branches operate according to the formal system outlined in the Constitution, but they also exercise informal powers and rely on political relationships and outside influences.

American governance is dictated by the official roles and functions of government institutions and by their interactions with each other and with external forces. **Political parties**, **interest groups**, media organizations, **public opinion**, and American **jurisprudence** all significantly impact policymaking and policy implementation in their own ways. The ways that

they function and their interactions with each other and formal government processes reflect the complexities of American democracy and the challenges policymakers face in adapting to social and political changes. Understanding how these elements function together is crucial for understanding policymaking, changes in constitutional interpretation, and the evolving nature of American **federalism**; consequently, 30%–35% of the CLEP American Government exam focuses on these topics.

FORMAL POWERS

Formal powers are those explicitly outlined by the Constitution or otherwise established through judicial interpretation of the Constitution. Each federal branch has certain formal powers that allow it to fulfill its role in the government and dictate its relationship with the other branches.

Executive Branch

The formal powers of the **president** of the United States, as head of the executive branch, cover a broad variety of executive, legislative, foreign policy, military, and judicial functions, making the presidency a very powerful position. The executive branch is responsible for enforcing federal laws and overseeing the operations of the federal government. This includes appointing and directing the heads of executive agencies and departments, ensuring that laws are implemented, and managing the federal bureaucracy. The president also appoints members of the **cabinet**, an advisory body made up of the leaders of 15 executive departments that helps the president make decisions. Cabinet appointees must be confirmed by the **Senate**.

Despite not being a member of **Congress**, the president plays an important role in the legislative process. One of the most powerful legislative tools the president has is the **veto power**. After Congress passes a bill, the president can choose to sign it into law or veto it, sending it back to Congress. While Congress can override a veto with a **two-thirds majority** in both chambers, the veto still gives the president significant influence over legislation. Additionally, since presidents choose their own running mates and the **vice president** of the United States serves as the tiebreaker vote in the Senate, the president has indirect power in this matter as well.

The president serves as the nation's chief diplomat in foreign policy matters. The Constitution gives the president the power to make treaties with foreign nations, although **ratification** of treaties requires approval by the

Senate. The president also has the authority to appoint ambassadors and other diplomatic officials after Senate confirmation.

As commander in chief of the armed forces, the president has significant military powers. While only Congress can declare war, the president has the authority to deploy troops and make key military decisions. In modern times, presidents have often employed this power, engaging in military actions without a formal declaration of war from Congress.

The president also has important judicial powers, primarily the ability to nominate **Supreme Court** justices and federal judges. These nominations must have Senate confirmation, which provides a check on this presidential power. The president also has the power to grant **pardons** for federal crimes, except in cases of **impeachment**.

Legislative Branch

The legislative branch, made up of the **House of Representatives** and the Senate (the two chambers of Congress), holds the main lawmaking power in the federal government. This power is clearly given in Article I of the Constitution, which states, "All legislative Powers herein granted shall be vested in a Congress of the United States."

The process of making laws involves both chambers of Congress. **Bills** can be introduced in either the House or the Senate (with some exceptions, such as revenue bills, which must start in the House). Once a bill passes both chambers and is signed by the president (or if a presidential veto is overridden), it becomes **law**.

In addition to its lawmaking power, Congress has several other important powers. With its "**power of the purse**," Congress controls federal spending and taxation and has significant influence over national policies and the distribution of federal resources. Congress also plays an important role in checking the power of the executive branch. The Senate has the power to confirm or reject presidential nominees for cabinet members, federal judges, and Supreme Court justices, giving it significant influence over positions in the executive and judicial branches.

Perhaps the most important power Congress has is the ability to remove the president, vice president, and other civil officers from office through the process of impeachment. The House of Representatives has the sole power to impeach, and the Senate conducts impeachment trials and can remove officials with a two-thirds vote.

Judicial Branch

The judicial branch, led by the Supreme Court, has the crucial power of **judicial review**. This power, while not clearly stated in the Constitution, was established in the important case *Marbury v. Madison* (1803). This power allows the Court to evaluate if laws and executive actions follow the Constitution and to overturn those it decides are unconstitutional. The power of judicial review makes the Supreme Court a key player in interpreting and shaping the meaning of the Constitution over time. Through its decisions, the Court can profoundly impact American jurisprudence and society, addressing issues ranging from civil rights and individual freedoms to the scope of federal power. The Supreme Court also serves as the federal system's highest court of appeal, with the final authority on interpretations of federal law and conflict resolution between states.

INFORMAL POWERS

While formal powers are defined within the structure of the US government, **informal powers** include a variety of powers that have developed over time, and they play an equally important role in how the government functions. Most informal powers primarily concern the executive branch, but the other branches have some key informal powers too.

The president's informal powers have evolved over time. While not clearly stated in the Constitution, they have become accepted practices that greatly increase the president's ability to influence policy and governance. One of the most important of these informal powers is the use of **executive orders**, directions issued by the president to federal agencies and officials that tell them how to interpret and carry out existing laws. While executive orders cannot create new laws, they can greatly affect how existing laws are enforced and applied. Historically, presidents have used executive orders to make significant policy changes, especially when faced with a hostile or gridlocked Congress.

Another presidential informal power is the use of **signing statements**. When signing a bill into law, presidents often issue statements explaining their understanding of the law or expressing concerns about certain parts. These statements can influence how agencies carry out the law and how courts interpret it. The president also exerts influence through the "**bully pulpit**," a term coined by President Theodore Roosevelt to refer to the president's ability to use the visibility and respect of the office to shape public

opinion and set the national agenda. Through speeches, press conferences, and other public appearances, the president can bring attention to issues, gather support for policies, and influence the national conversation.

In the realm of foreign policy, presidents have increasingly relied on **executive agreements** rather than formal treaties to make international commitments. Unlike treaties, executive agreements do not need Senate approval, giving the president more freedom in conducting foreign relations. Presidents have also expanded their power over the military through broad interpretations of their role as commander in chief, often citing their duty to protect national security. Presidents have sent troops to military engagements without a formal declaration of war from Congress in various conflicts, including the Korean War, Vietnam War, and a variety of interventions in the Middle East.

The growth of federal bureaucracy has also increased presidential power. While Congress creates federal agencies, these agencies are part of the executive branch and, ultimately, answer to the president. Through appointments and policy directions, presidents can greatly influence the operations of these agencies and the implementation of federal policies.

On the judicial side, courts have sometimes stepped in to check presidential actions, ruling certain executive orders or uses of power unconstitutional. At other times, they have upheld broad interpretations of presidential authority, particularly in areas related to foreign policy and national security. The Supreme Court, beyond its formal power of judicial review, shapes policy through the principle of **stare decisis** (following precedent) and its ability to choose which cases to hear. On the legislative side, congressional committees exert influence through their investigative powers and ability to shape legislation.

The interplay between formal and informal powers is a key feature of the US government system. While the Constitution dictates the basic structure and clear powers of each branch, informal powers and practices significantly impact the reality of how government functions. This changing system allows for flexibility and adaptation to evolving circumstances, but it also creates ongoing tensions and debates about the proper balance of power among the branches. Understanding both the formal and informal powers at play is essential for US citizens seeking to understand and engage with their government. The interplay between formal and informal powers also highlights the complexity of the US system and the importance of ongoing civic participation and watchfulness in maintaining the delicate balance of power that supports American democracy.

STRUCTURE, POLICY PROCESSES, AND OUTPUTS OF THE US GOVERNMENT

The US government is designed to maintain checks and balances on the power of each individual branch while facilitating numerous policy processes and outputs. Together, each piece of the puzzle ensures that no one branch or agency exerts undue influence on the people or the powers that govern them.

Structure

The US government is a complex system designed to balance power, represent the people, and create and carry out policies that shape the nation. This structure was designed to divide governance responsibilities and use a system of checks and balances—in which each branch has the power to limit the actions of the others—to prevent any single branch from becoming too powerful.

BASIC STRUCTURE OF THE US FEDERAL GOVERNMENT

Branch	Responsibilities	Roles
Executive	Carrying out and enforcing laws	• President • Vice president • Cabinet • Federal agencies and departments
Legislative	Proposing and establishing laws	• House of Representatives (435 members) • Senate (100 members)
Judicial	Interpreting laws and determining whether established laws follow the Constitution	• Supreme Court (9 justices) • Lower federal courts

In addition to the federal government, the United States has a **federal system**, meaning power is divided between the national government and state governments. Each state has its own executive, legislative, and judicial branches with similar powers to their federal counterparts and a similar system of checks and balances.

Policy Processes

Agenda setting is the process by which issues gain the attention of policymakers. Problems can be brought to light by public demand, interest groups,

media coverage, or events that reflect a need for action. Once an issue is on the agenda, policymakers work to develop possible solutions by researching, talking with experts, and negotiating among different stakeholders. For many policies, the next step is the creation of a bill in Congress. With some exceptions (such as revenue bills, which must start in the House), bills can be introduced in either the House or the Senate. Most bills are sent to relevant committees for detailed study so that the committees can hold hearings, implement changes to the bill, or even decide not to act on it. If a bill makes it out of the committee process, then the full chamber will debate and vote on it.

If passed, it moves to the other chamber for a similar process. If the House and Senate pass different versions of a bill, a **conference committee** with members from both chambers works to resolve the differences. Once a bill passes both chambers in identical form, it is sent to the president, who can sign it into law, veto it, or decide not to take action. When the president vetoes a bill, it returns to Congress, where it can either be passed by a two-thirds majority, revised to create a new bill, or abandoned.

After a bill is passed into law, it must be put into action, often by federal agencies that create specific regulations based on the law. Once new laws and policies are implemented, their effects are often studied to determine how well they work and whether changes are needed. This process can vary depending on the type of policy; for example, foreign policy decisions often involve more direct action by the president and monetary policy is largely determined by the **Federal Reserve**, an independent agency.

Executive Departments

There are 15 executive departments tasked with implementing policies that uphold the Constitution and any laws Congress passes. Each department head is appointed by the president and confirmed by the Senate as the secretary of their department (e.g., secretary of state) except for the Department of Justice, which is led by the **attorney general**. These positions together make up the president's cabinet. Members of the cabinet serve as the president's advisors and direct their respective departments to ensure that policies are implemented properly.

Executive department heads hold key spots in the **presidential line of succession**: following the vice president, **Speaker of the House**, and **Senate president pro tempore**, department heads fill out the line of succession in the order of their department's initial creation, even if the department was later reimagined. Each department has a specific set of duties and responsibilities, outlined in the following table.

EXECUTIVE DEPARTMENTS

State (1789)	
Characteristics	• Leads the development and implementation of the president's foreign policy • Maintains both civil employees at home and members of the US Foreign Service working abroad
Duties	• Representing the United States abroad • Maintaining diplomatic relations with the approximately 180 countries that maintain a post staffed by US Foreign Service employees • Maintaining diplomatic relations with international organizations • Implementing foreign assistance programs • Supervising foreign military training programs • Preventing and countering international crime • Providing "a wide assortment of services to US citizens and foreign nationals seeking entrance to the United States"

Treasury (1789)	
Characteristics	• Promotes "inclusive economic prosperity for all Americans" by using economic resources to support numerous aims
Duties	• Supporting US and global economic growth • Raising the standard of living for all Americans • Supporting American communities • Promoting racial justice • Combating the effects of climate change • Fostering greater financial stability • Safeguarding American financial systems • Using economic sanctions to neutralize foreign threats • "Identifying and targeting financial support networks that threaten [the United States'] national security" • Maintaining the nation's financial infrastructure by 1. Producing currency and coins 2. Disbursing "payments owed to the American public" 3. Collecting taxes 4. Borrowing "funds required by congressional enactments to run the federal government"

EXECUTIVE DEPARTMENTS (*CONTINUED*)

Defense (1947)	
Characteristics	• Originally established in 1789 as Department of War • Often referred to as DOD • Largest of all government departments or agencies in both budget and personnel • Headquartered at the **Pentagon** • Oversees related military departments as well as numerous agencies such as the National Security Agency, the Defense Intelligence Agency, and the Joint Chiefs of Staff
Duties	• Directing and conducting all use of military force • Deterring war • Protecting national security interests • Offering humanitarian aid • Providing services related to disaster relief and peacekeeping

Justice (1870)	
Characteristics	• From 1789 through 1870, this department's duties were the sole purview of the attorney general • Often referred to as DOJ • Enforces laws and policies implemented by Congress and other executive departments • Oversees 40 component organizations, including the Federal Bureau of Investigation, US Marshals Service, Drug Enforcement Administration, and the Federal Bureau of Prisons
Duties	• Defending the interests of the United States within the rule of law • Protecting public safety against foreign and domestic threats • Providing federal leadership to support controlling and preventing crime • Seeking "just punishment" for those found guilty of crimes • Ensuring "fair and impartial administration of justice for all Americans" Additionally, the attorney general has specific duties, including: • Serving as the federal government's chief law enforcement officer • Representing the United States in legal matters • Advising both the president and other members of the cabinet • Making occasional personal appearances before the Supreme Court

(*continues*)

EXECUTIVE DEPARTMENTS (*CONTINUED*)

Interior (1849)	
Characteristics	• Implements policies related to conservation and preserving natural resources • One of the only departments that generates its own revenue through "energy, mineral, grazing, and timber leases, as well as recreational permits and land sales" • Oversees related agencies, including the Bureau of Indian Affairs, US Geological Survey, and US Fish and Wildlife Service
Duties	• Managing national parks as well as roughly 500 million acres of land (about one-fifth of American land) and hundreds of reservoirs and dams • Protecting endangered species • Providing opportunities for recreation • Conducting scientific research related to conservation and resource management • Conserving and protecting fish and wildlife • Honoring "the US government's responsibilities to American Indians, Alaskan Natives, and to island communities"

Agriculture (1862)	
Characteristics	• Often referred to as USDA • Implements policies related to food, farming, and agriculture • Contains 16 agencies, including the Food and Nutrition Service, the US Forest Service, and the Animal and Plant Health Inspection Service
Duties	• Ensuring food safety • Supporting farmers • Protecting natural resources (including forests) • Facilitating or promoting agricultural trade • Fighting hunger both at home and abroad (such as by creating aid programs to direct food surpluses) • "Fostering rural prosperity"

EXECUTIVE DEPARTMENTS (*CONTINUED*)

Commerce (1903)	
Characteristics	• Originally Commerce and Labor before Labor was given its own department • Implements policies supporting US businesses and industries
Duties	• Fostering conditions that support opportunity and economic growth • "Assisting and enforcing" international trade agreements • Gathering data related to demographics and the economy • Issuing patents and trademarks • Determining how scientific and technological resources should be used • "Improving understanding of the environment and oceanic life"

Labor (1913)	
Characteristics	• Originally Commerce and Labor • Implements policies and oversees programs to maintain a strong American workforce • Oversees numerous offices, including the Occupational Safety and Health Administration and the Bureau of Labor Statistics

Duties	• Administering federal programs that address job training, safe working conditions, employment discrimination, unemployment benefits, minimum hourly wage, and overtime pay
	• Fostering and promoting "the welfare of the job seekers, wage earners, and retirees of the United States" by
	  • Improving working conditions
	  • Creating or advancing opportunities for "profitable employment"
	  • Protecting retirement benefits
	  • Protecting health care benefits
	  • Helping connect workers to employers and vice versa
	  • "Strengthening free collective bargaining"
	  • "Tracking changes in employment, prices, and other national economic measurements"

(*continues*)

EXECUTIVE DEPARTMENTS (*CONTINUED*)

Health and Human Services (1953)	
Characteristics	• Originally Health, Education, and Welfare before the establishment of Education as its own department • Implements policies designed to protect the health of all Americans • Oversees related agencies, including the National Institutes of Health, the Centers for Disease Control and Prevention, and the Food and Drug Administration
Duties	• Administering Medicaid and Medicare • Offering human services, particularly for disadvantaged groups • Conducting research on public health and social science • Preventing or limiting disease outbreaks • Maintaining regulations for food and drug safety • Providing Americans with health insurance

Housing and Urban Development (1965)	
Characteristics	• Often referred to as HUD • Implements programs and policies to address housing needs, particularly for the economically insecure • Oversees related agencies, including the Federal Housing Administration, Office of Fair Housing and Equal Opportunity, and the Community Development Block Grant Program
Duties	• Improving and developing communities across the nation • Enforcing fair housing laws • Supporting low- and moderate-income families in the pursuit of homeownership • Providing rent subsidies for those in need • Administering mortgage insurance programs • Administering public housing • Aiding people experiencing homelessness

EXECUTIVE DEPARTMENTS (*CONTINUED*)

Transportation (1966)	
Characteristics	• Implements policies and builds infrastructure to support transportation • Oversees numerous organizations, including the Federal Aviation Administration, Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration, National Highway Traffic Safety Administration, and Maritime Administration
Duties	• Ensuring a "fast, safe, efficient, accessible, and convenient transportation system that meets [the United States'] vital national interests and enhances the quality of life of the American people"

Energy (1977)	
Characteristics	• Implements policies affecting the energy industry and related national concerns
Duties	• Maintaining the energy security of the United States • "Encouraging the development of reliable, clean, and affordable energy" • Dispersing funds for scientific research related to energy innovation • "Ensuring America's nuclear security" • Providing guidelines for "a responsible resolution of the legacy of nuclear weapons production"

Education (1979)	
Characteristics	• Originally Health, Education, and Welfare • Implements policies to promote and support the education of all Americans
Duties	• Establishing guidelines to help prepare students for citizenship, career, and higher education • "Ensuring equal access to educational opportunity" • Administering federal financial aid • Overseeing educational programs • Implementing policies in response to civil rights laws that address educational access • Sponsoring research and data collection regarding educational efficacy in the US • "[Working] to complement the efforts of state and local governments, parents, and students"

(*continues*)

EXECUTIVE DEPARTMENTS (*CONTINUED*)

Veterans Affairs (1989)	
Characteristics	• Often referred to as VA • Implements policies and administers programs to support the needs of veterans • "About a quarter of the nation's population—approximately 70 million people—are potentially eligible for VA benefits and services"

Duties	• Administering benefits programs that support "veterans, their families, and their survivors," including those related to
	  • Pension
	  • Education
	  • Compensation for disabilities
	  • Home loans
	  • Life insurance
	  • Vocational rehabilitation
	  • Support for survivors
	  • Medical care
	  • Burial

Homeland Security (2002)	
Characteristics	• Implements policies designed to protect Americans from both foreign and domestic threats • Established when the Homeland Security Act of 2002 was passed in response to the 9/11 attacks on the World Trade Center in New York City • While it has similar aims to the Department of Defense, the Department of Homeland Security focuses on protecting civilians and infrastructure within and at the nation's borders, whereas Defense focuses on protecting American interests abroad and up to the borders. • Governs numerous agencies, including the US Secret Service, Federal Emergency Management Agency, US Immigration and Customs Enforcement, Transportation Security Administration, and US Coast Guard • The secretary of Homeland Security coordinates decisions with the assistant to the president for Homeland Security.
Duties	• Preventing and/or disrupting terrorist attacks • Protecting "critical infrastructure and civilian computer networks" • Ensuring "lawful trade and travel" • Coordinating response and recovery efforts following natural disasters • Protecting borders • Regulating migration both into and out of the country

Source: "The Executive Branch," WH.gov, https://www.whitehouse.gov/about-the-white-house/our-government/the-executive-branch/.

Historically, there was also a Department of War and Department of the Navy, but both were subsumed by the Department of Defense upon its creation in 1947. There was also once a Department of the Post Office, but in 1971 it became a semi-independent agency within the executive branch and was renamed the US Postal Service.

Outputs of the Federal Process

The outputs of the US government are the real results of the policy process. Laws are the most direct output of the legislative process, since they establish rules and regulations that govern society. Executive orders serve as directives from the president to federal departments and agencies that tell them how to interpret and carry out existing laws. Federal departments and agencies create detailed regulations based on the laws passed by Congress and any executive orders, specifying how the laws will be enforced. The judicial branch's decisions interpret laws and the Constitution, sometimes striking down laws or government actions deemed unconstitutional.

Through its numerous departments and agencies, the federal government produces agreements with other nations, shaping foreign policy and international relations. The government also allocates funds for a variety of programs and initiatives, such as national defense, social welfare programs, and infrastructure maintenance. The structure of the federal government also includes numerous mechanisms to influence the economy, including those affecting monetary, fiscal, and trade policies (e.g., the Federal Reserve determines monetary policy). The impacts of these outputs are wide-reaching and varied: they shape the legal landscape, impact economic conditions, affect social norms and behaviors, and determine the rights and duties of citizens and organizations.

While this structure is designed to be representative and balanced, it faces many challenges. The system of checks and balances prevents the concentration of power but can also lead to **political gridlock**, especially when different branches or chambers of Congress are controlled by opposing parties. The policy process can also be heavily influenced by external forces, such as **lobbying** and campaign contributions from special interest groups, potentially skewing outcomes away from the broader public interest.

RELATIONSHIPS BETWEEN FEDERAL BRANCHES AND EXTERNAL INFLUENCES

The relationships between the branches of government are formally defined in the Constitution, but how they interact has significant impact on their ability to govern and the political landscape of the United States. Party differences, communication, and power dynamics all come in to play as these branches negotiate their relationships and responsibilities.

Intergovernmental Relationships

The relationship between the executive and the legislative branch is perhaps the most visible and, often, contentious in American politics. The Constitution sets up several formal connections between these branches. The president can suggest legislation, but only Congress can introduce and pass bills. The president has the power to sign bills into law or veto them, but Congress can override this decision with a two-thirds majority. The president can nominate high-level officials and federal judges, but these nominations require Senate confirmation. The president can propose a budget, but Congress can approve, change, or reject it. The president is the chief diplomat and commander in chief, but Congress has the power to declare war and ratify treaties.

In practice, the relationship between these branches often depends on political alignment. When the president and the majority in Congress are from the same party, cooperation is likely. However, when the president is from a different party than the majority in Congress or there is a large difference between the Senate's and House's party distribution, gridlock can often occur. The president can use various tactics to influence Congress, such as appealing directly to the public (the "bully pulpit"), negotiating with individual members, or threatening to veto legislation. On the other hand, Congress can challenge the president through **oversight** hearings, refusal to confirm nominees, or even impeachment.

The relationship between the executive and judicial branches is less direct but nonetheless important. Through judicial appointments, the president nominates Supreme Court justices and federal judges, shaping the judiciary's makeup over time. The executive branch is responsible for enforcing court decisions, although in rare instances a president challenges or even ignores court rulings. The executive branch often finds its actions challenged in court, and the judiciary has the power to strike down executive orders or actions deemed unconstitutional.

The relationship between Congress and the courts is also important, as Congress can influence the federal courts' jurisdiction and structure. However, it cannot interfere with the Supreme Court's original jurisdiction as outlined in the Constitution. Congress does have the power to impeach and remove federal judges, although this power is rarely used. Congress can propose **constitutional amendments**, which, if ratified, can effectively overturn Supreme Court decisions.

Nongovernmental Influences

Interest groups, representing various sectors of society, significantly influence all branches of government. They lobby Congress and the executive branch to influence legislation and policy decisions. Through **political action committees**, interest groups can contribute to political campaigns, potentially influencing elected officials' positions. Interest groups often submit **amicus curiae** (or "friend of the court") **briefs** in important court cases, attempting to sway judicial decisions. Some interest groups launch public awareness campaigns to build support for their positions.

The media also plays a crucial role in shaping the public's understanding of government actions and influencing the political agenda. By choosing which stories to cover and how to frame them, the media influences which issues receive public and governmental attention. Via a **watchdog** function, investigative journalism can uncover government misconduct or inefficiencies, prompting official responses or investigations. Media coverage can significantly influence public opinion on political issues and government performance.

Public opinion serves as a backdrop against which all government actions occur. Elected officials in the executive and legislative branches must consider public opinion to maintain support for reelection. Strong public opinion on an issue can pressure government officials to take action or change course. While the judiciary is supposed to be shielded from public opinion, judges are aware that their decisions must be seen as legitimate by the public if the court is to maintain authority. Government actions influence public opinion, which in turn affects future government decisions, creating a continuous feedback loop.

The formal structure of the US government operates within the broader context of political parties, interest groups, media influence, and public opinion. These outside factors can significantly shape how the branches interact and what policies are pursued and implemented. The complexity of this dynamic system can lead to frustration and gridlock at times,

but it also provides multiple avenues for citizens and organizations to influence their government and embody the principles of a representative democracy.

STRUCTURE AND PROCESSES OF THE JUDICIAL SYSTEM

The judicial system is a complex and important part of the US government designed to interpret laws, solve disputes, and protect individuals' rights. At the center of this system is the Supreme Court, which plays a key role in shaping American law and society. The judicial system is organized as a hierarchy, with federal and state court systems working side by side. At the federal level, the 94 **district courts** located throughout the United States and its territories function as the trial courts of the federal system. The **Courts of Appeals**, also known as **circuit courts**, handle appeals from district courts. There are 13 circuit courts, including 12 regional circuits and the Federal Circuit. The Supreme Court, the highest court in the nation, has optional appellate jurisdiction over all federal and state court cases involving points of constitutional and/or federal law.

Each state has its own court system, typically including trial courts (which handle most criminal and civil cases), mid-level **appellate courts** (which exist in most states to hear appeals from trial courts), and state supreme courts, the highest courts in each state. While state courts handle most cases, federal courts have jurisdiction over cases involving federal law, the US Constitution, or disputes between states or citizens of different states.

The judicial process involves several key stages. A case begins when a party files a complaint in the correct court. This first step may include several pretrial procedures or motions, discovery (gathering evidence), and attempts at settlement. If the case goes to trial, each side presents evidence and arguments before a judge or jury. In criminal cases, a verdict of guilty or not guilty is reached, followed by sentencing if applicable. In civil cases, a decision is made in favor of one party and often includes an assessment of damages or other remedies. The losing party may appeal the decision to a higher court, arguing that legal errors were made in the original trial. The appeals process is particularly important in shaping law, as appellate courts review the record of the lower court proceedings for legal errors. However, they do not typically consider new evidence or retry facts. Appellate decisions create precedents that guide future cases in lower courts within their jurisdiction.

The Supreme Court is the highest authority in the US judicial system and wields significant influence over American law and society. Its main role is executing the power of judicial review, allowing it to determine whether laws or government actions violate the Constitution. When different circuit courts interpret federal law differently, the Supreme Court can resolve these disagreements. Many of the Court's most important decisions have involved interpreting and enforcing constitutional rights. While not a legislative body, the Court's decisions often have far-reaching policy implications.

The Supreme Court's processes contribute to its influence. The Court has optional jurisdiction over most cases, choosing which to hear through a process called **certiorari**. Out of thousands of petitions each year, the Court typically agrees to hear only about 80 cases. At least four justices must vote to hear a case for it to be added to the Court's docket, a practice known as the **rule of four**. During the trial, lawyers for each side present their arguments before the justices, who often ask probing questions. Afterward, the justices meet in private to discuss the cases and take an initial vote. One justice is assigned to write the majority opinion, while others may write concurring or dissenting opinions. Decisions are typically announced at the end of the Court's term in June.

Several factors contribute to the Supreme Court's decision-making process, including **constitutional and statutory interpretation** (interpretation of the Constitution and laws), often dealing with unclear language or applying old texts to modern situations. The principle of stare decisis means that previous Court decisions, or **precedent**, carry significant weight. Each justice's approach to constitutional interpretation influences their decisions. While the Court is theoretically shielded from public opinion, justices are aware of the social and political context in which they operate, and they consider the potential reactions of the other branches to the Court's decisions.

CONCLUSION

The American system of government is designed to balance power and represent the people's interests. The executive, legislative, and judicial branches operate within a system of checks and balances set up by the Constitution that aims to prevent any single branch from becoming too powerful. But many factors other than what is written in the Constitution influence the operation of the US government. Its functionality depends on a lot of unwritten rules and practices that have developed over time. Political parties, special interest groups, the media, and public opinion

also have a significant impact, creating a political landscape that is always evolving and often difficult to precisely characterize or predict.

At the center of this political landscape is the Supreme Court, tasked with interpreting laws and deciding what is constitutional with great impact on social, political, and governmental function. As the United States faces new challenges, like how to handle privacy in the digital age or how to adapt to rapid social changes, the Court's job of deciding how to apply old principles to new situations becomes even more important. Understanding how all these parts of government work together, and how American citizens can influence them, is crucial for anyone wanting to understand how American democracy functions in practice. Over time, the push and pull between different parts of the government and between the government and the American people will continue to shape the function and political landscape of the United States.

READINESS CHECK: INSTITUTIONS AND POLICY PROCESSES

To check how well you understand the concepts covered in this chapter, review the following questions. If you have trouble answering any of them, consider reading through this chapter again and reviewing the key terms before moving on to the next chapter.

- What kind of interplay is there between formal and informal powers in the US government?
- How do informal powers, such as executive orders and the "bully pulpit," complement or challenge the formal powers outlined in the Constitution?
- What are the potential benefits and risks of these informal powers in the context of the federal system of checks and balances?
- What is the purpose of the president's cabinet, and who serves on it?
- What is the presidential line of succession, and who is second, third, and fourth in line?
- How is the presidential line of succession determined past the third position?
- Summarize the purpose and duties of each of the following executive departments:
    - State
    - Treasury
    - Defense

  - Justice
  - Interior
  - Agriculture
  - Commerce
  - Labor
  - Health and Human Services
  - Housing and Urban Development
  - Transportation
  - Energy
  - Education
  - Veterans Affairs
  - Homeland Security
- What are the functions of the three branches of government (executive, legislative, and judicial) and how do they interact with each other and with external influences such as political parties, interest groups, the media, and public opinion?
- How do the relationships among the branches of government and external influences shape policymaking and governance in the United States?
- How does the structure of the federal judicial system relate to state judicial systems?
- How are the following key concepts utilized within the various functions of the US government's institutions and policy processes?
  - Amicus curiae briefs
  - Bully pulpit
  - Certiorari
  - Executive agreements
  - Executive orders
  - Federalism
  - Formal powers
  - Impeachment
  - Informal powers
  - Interest groups
  - Judicial review
  - Lobbying
  - Oversight
  - Political action committees
  - Rule of four
  - Stare decisis
  - Veto power

TEST YOURSELF: INSTITUTIONS AND POLICY PROCESSES

1. Which of the following is NOT a formal power of the president of the United States?

   A. Vetoing legislation
   B. Making treaties with foreign nations
   C. Declaring war
   D. Nominating Supreme Court justices
   E. Granting pardons for federal crimes

2. What is the "rule of four" in the context of the Supreme Court?

   A. The number of justices needed to declare a law unconstitutional
   B. The minimum number of justices who must vote to hear a case
   C. The number of opinions required for a majority decision
   D. The number of years a justice must serve before becoming chief justice
   E. The number of clerks each justice is allowed to have

3. Which of the following is an example of an informal power of the president?

   A. Signing bills into law
   B. Nominating cabinet members
   C. Issuing executive orders
   D. Serving as commander in chief
   E. Making treaties with foreign nations

4. What is the primary function of the Courts of Appeals in the federal court system?

   A. To try federal criminal cases
   B. To handle appeals from district courts
   C. To interpret the Constitution
   D. To impeach federal officials
   E. To resolve disputes between states

5. Which branch of government has the "power of the purse"?

   A. Legislative
   B. Executive
   C. Judicial
   D. Federal Reserve
   E. State governments

Answer Key and Explanations

1. C	2. B	3. C	4. B	5. A

1. **The correct answer is C.** The power to declare war is a formal power of Congress, not the president. While the president serves as commander in chief and can deploy troops, only Congress has the constitutional authority to declare war.

2. **The correct answer is B.** The "rule of four" refers to the Supreme Court's practice of requiring at least four justices to vote in favor of hearing a case for it to be added to the Court's docket. This is an important aspect of the Court's case selection process. The other options are incorrect, as a majority decision requires five votes, not four (choice C); there's no four-year requirement for becoming chief justice (choice D); the number of clerks is not fixed at four (choice D); and declaring a law unconstitutional typically requires a majority of the Court (choice A).

3. **The correct answer is C.** Issuing executive orders is an informal power of the president, since this power is not explicitly stated in the Constitution but rather developed over time. Executive orders allow the president to direct federal departments and agencies on the implementation of laws.

4. **The correct answer is B.** The primary function of the Courts of Appeals (also known as circuit courts) is to handle appeals from the district courts, which are the trial courts in the federal system. They do not try cases since that is the role of district courts (choice A), nor do they interpret the Constitution since that is primarily the Supreme Court's role (choice C), as is resolving disputes between states (choice E). Only Congress has the power to impeach officials (choice D).

5. **The correct answer is A.** The "power of the purse" belongs to the legislative branch, specifically Congress. This means Congress has the authority to levy taxes, allocate funds, and approve the federal budget. The executive branch (choice B) proposes a budget, but Congress has the final say on federal spending. The judicial branch (choice C), Federal Reserve (choice D), and state governments (choice E) do not have this specific power at the federal level.

Chapter 5

Civil Liberties and Civil Rights

OVERVIEW

- The Development of Civil Liberties and Civil Rights by Judicial Interpretation
- The Bill of Rights
- Incorporation of the Bill of Rights
- Equal Protection and Due Process
- Conclusion
- Readiness Check: Civil Liberties and Civil Rights
- Test Yourself: Civil Liberties and Civil Rights

Civil liberties and **civil rights** are the freedoms and rights of individuals that are protected under the law. Civil liberties are personal freedoms such as speech, privacy, and due process. Civil rights are protections of equal opportunity and prohibitions against discrimination. Both are rooted in the **Bill of Rights**—the first 10 amendments to the US Constitution—which outlines essential protections against government overreach. The protection of civil liberties and civil rights is integral to the function of American government, as it shapes the capacity of government policies and legal interpretations of the Constitution.

Given their significance, civil liberties and civil rights are addressed in 10%–15% of questions on the CLEP American Government exam. This chapter covers the Bill of Rights and subsequent amendments and their relationship to the ways that civil liberties and civil rights are challenged or protected in the United States. It also discusses how a variety of key **Supreme Court** cases have shaped American **jurisprudence**. For more information on landmark Supreme Court cases, see Chapter 9.

THE DEVELOPMENT OF CIVIL LIBERTIES AND CIVIL RIGHTS BY JUDICIAL INTERPRETATION

In the United States, the protection of civil liberties and civil rights has developed through judicial interpretation of the Constitution, which has been (and still is) a complex and evolving process. Initially, the Supreme Court took a narrow view of constitutional protections, as in *Barron v. Baltimore* (1833), which held that the Bill of Rights applied to only the federal government (not state governments). The post–Civil War amendments (13th, 14th, and 15th) introduced new civil rights justifications, but cases like the *Slaughter-House Cases* (1873) and *Plessy v. Ferguson* (1896) limited their impact. There were pivotal changes in judicial interpretation during the mid-20th century that broadened protections. In major decisions like *Brown v. Board of Education* (1954), which ended racial **segregation** in schools, and a series of other decisions that expanded legal protections for people accused of crimes, the Court extended the governmental limitations of the Bill of Rights and subsequent amendments to the states.

In recent decades, the Court has addressed issues like digital privacy, campaign finance, religious liberty, and antidiscrimination laws, reflecting shifts in both societal norms and in the ideology of the Court. Decisions like *Obergefell v. Hodges* (2015) expanded civil rights by legalizing same-sex marriage, while others, such as the reversal of *Roe v. Wade* (1973) in *Dobbs v. Jackson Women's Health Organization* (2022), have restricted certain rights or left their protection to state legislatures. These rulings often reflect broader societal changes and demonstrate the Supreme Court's crucial and continuous role in shaping American civics through its interpretation of the US Constitution.

Early Foundations and Limitations (1789–1865)

Between the Constitution's ratification in 1789 and the end of the Civil War in 1865, American jurisprudence had a very limited interpretation of civil liberties and civil rights that was shaped by key judicial principles and prevailing social norms. In *Marbury v. Madison* (1803), the Supreme Court established its power of **judicial review**, laying the groundwork for future interpretations of the Constitution. However, this power seldom expanded individual rights. *Barron v. Baltimore* (1833) exemplified this limitation, ruling that the Bill of Rights only applied to the federal government. This decision greatly narrowed the scope of constitutional protections for individuals against state actions.

The peak of this limited view came with *Dred Scott v. Sandford* (1857). In this infamous ruling, the Supreme Court declared that Black Americans, whether free or enslaved, were not and could not be US citizens and so could not sue in federal court. The ruling also invalidated the Missouri Compromise, asserting that Congress had no power to prohibit slavery. This decision not only highlighted the severe lack of civil rights for Black Americans but also added greatly to the tensions that finally led to the **Civil War**. Throughout this period, the Court often upheld state laws and existing social hierarchies, even when they severely limited individual liberties and equality. This approach only began to shift with the constitutional changes brought about by the Civil War and **Reconstruction**, which laid the foundation for a broader interpretation of civil liberties and civil rights.

Reconstruction and Its Aftermath (1865–1896)

The Civil War and Reconstruction marked a pivotal shift in the protection of civil liberties and civil rights in the United States. The 13th, 14th, and 15th Amendments, known collectively as the **Reconstruction Amendments**, transformed the legal landscape. The 13th Amendment (1865) abolished slavery, fundamentally altering the legal status of Black Americans. The 14th Amendment (1868) granted citizenship to all people born or **naturalized** (meaning "made into citizens") in the United States, including formerly enslaved people, and promised "equal protection of the laws" and "due process" for everyone, thus laying the groundwork for future expansions of civil rights and becoming a cornerstone of civil liberties jurisprudence. The 15th Amendment (1870) aimed to protect voting rights irrespective of race, color, or status as a former slave, though this wouldn't be fully realized (particularly for American women of color) until the civil rights movement in the mid-20th century.

These amendments expanded federal authority to safeguard individual rights and liberties. However, their immediate impact was limited by narrow court interpretations and pushback from conservative sectors of society. For instance, the *Slaughter-House Cases* (1873) limited the 14th Amendment's scope by taking a narrow interpretation of the **Privileges or Immunities Clause**, which was meant to protect American citizens from having their rights infringed upon by state governments. Similarly, in the **Civil Rights Cases** (1883), the Court struck down the **Civil Rights Act of 1875**, emphasizing that the 14th Amendment only prohibited state actions, not private discrimination. *Plessy v. Ferguson* (1896) endorsed the

"separate but equal" doctrine, legitimizing racial **segregation** and limiting the 14th Amendment's **Equal Protection Clause** until it was finally overturned by *Brown v. Board of Education* (1954).

Despite these setbacks, the Reconstruction Amendments fundamentally changed the constitutional framework for civil liberties and civil rights in the United States, shifting power from states to the federal government and paving the way for future civil rights advancements.

The Lochner Era and Civil Liberties (1897–1937)

The **Lochner Era** (1897–1937) was marked by the Supreme Court's emphasis on protecting economic liberty and limiting government intervention. In *Lochner v. New York* (1905), the Court struck down a law limiting bakery workers' hours, citing "freedom of contract." This decision established the doctrine of **substantive due process**, which requires an assessment of whether government actions reasonably justify depriving individuals of life, liberty, or property. Although *Lochner* was later overturned, substantive due process became crucial for expanding civil liberties, later shaping decisions regarding liberties like privacy and reproductive rights.

During this era, the Court also began the process of selectively applying the Bill of Rights to the states via the 14th Amendment. For instance, *Gitlow v. New York* (1925) extended the 1st Amendment's free speech protections to states. *Meyer v. Nebraska* (1923) and *Pierce v. Society of Sisters* (1925) safeguarded the rights of parents to make decisions about their children's education, signaling the Court's recognition of personal liberties that extend beyond economic concerns. Though not as significant as later civil rights rulings, these cases were early examples of protections of personal liberties. However, these protections were often limited and selective, particularly regarding racial equality and protections for disadvantaged groups.

The Civil Rights Revolution (1938–1969)

The **Civil Rights Revolution** (1938–1969) was a transformative period for American jurisprudence during which numerous Supreme Court decisions significantly expanded civil liberties and civil rights. It began with the decision in *United States v. Carolene Products Co.* (1938), which contained a section famously known as "**Footnote Four**." This footnote suggested that laws affecting minority groups warrant closer scrutiny, establishing a crucial principle for later civil rights cases and setting a new standard for protecting minority rights.

A pivotal decision during this era was *Brown v. Board of Education* (1954), which overturned *Plessy v. Ferguson*'s "separate but equal" doctrine, ending racial segregation in public schools. This landmark ruling not only opened the way for **desegregation** of public schools but also made the 14th Amendment's Equal Protection Clause a cornerstone for the expansion of civil rights. *Brown v. Board of Education* became the legal base for the larger civil rights movement, leading to challenges to segregation in many aspects of American social and cultural life.

The 1960s saw transformative rulings in criminal justice. *Mapp v. Ohio* (1961) applied the 4th Amendment's exclusionary rule to the states, declaring that a state could not use evidence obtained via illegal searches, thereby strengthening protections against unreasonable searches and seizures. *Gideon v. Wainwright* (1963) guaranteed legal representation for those accused of crimes even if they could not afford it, and *Miranda v. Arizona* (1966) required police to inform suspects of their rights before questioning. Both decisions fundamentally reshaped criminal procedure and provided expanded rights to the accused.

Beyond criminal justice, the Court expanded civil rights in other areas. *Loving v. Virginia* (1967) struck down bans on interracial marriage under the **Due Process Clause** of the 14th Amendment, not only advancing the cause for racial equality but also expanding the scope of personal freedoms protected by the Constitution. *Tinker v. Des Moines* (1969) protected students' right to free speech in schools. These decisions collectively reshaped American jurisprudence and set the stage for future advancements in civil liberties.

Consolidation and Conservative Shift (1969–2005)

The period from 1969 to 2005 saw a more restrained approach to judicial activism in the United States compared with earlier decades and was marked by consolidation and a conservative shift in the interpretation of civil liberties and civil rights. One significant ruling during this era was *Roe v. Wade* (1973), which recognized abortion rights based on the right to privacy as outlined in the Due Process Clause. This decision sparked ongoing debates about reproductive rights and the scope of constitutional protections. The Court's split decision in *Regents of the University of California v. Bakke* (1978) allowed race to be considered as one factor in college admissions but banned strict racial quotas, setting a precedent for future affirmative action cases.

In *United States v. Leon* (1984), the Court introduced a **"good faith" exception** to the exclusionary rule that permitted evidence from invalid search warrants if police acted in good faith. *Bowers v. Hardwick* (1986) upheld the constitutionality of laws against certain sexual practices, limiting LGBTQ+ rights and dealing a setback to equal rights advocates. The Court's approach to religious freedom also shifted during this time, as shown by *Employment Division v. Smith* (1990). Adopting a less rigorous standard for laws that restricted religious practice, this ruling narrowed protections for practicing religion freely. *United States v. Virginia* (1996) ended male-only admissions at the Virginia Military Institute, advancing gender equality under the Equal Protection Clause and enhancing the standard of review for gender-based laws.

The period ended with one of the most contentious decisions in the Court's history, *Bush v. Gore* (2000). By effectively deciding the winner of the 2000 presidential election, this ruling raised significant questions about the role of the Court in elections and how it affects democratic institutions. Overall, with some notable exceptions, this era saw a conservative shift in the Court's approach to civil liberties and civil rights, perhaps reflecting a reaction to the expansive interpretations of the civil rights era.

Contemporary Developments (2005–2024)

From 2005 to 2024, the Supreme Court made numerous pivotal decisions on civil liberties and civil rights, often leaning conservative but with some notable exceptions. *Citizens United v. FEC* (2010) expanded 1st Amendment protections for corporate political spending, raising concerns about election fairness and corporate political influence. Conversely, *Obergefell v. Hodges* (2015), in which the Court recognized same-sex marriage as a constitutional right, was a major advancement for LGBTQ+ rights.

The Court frequently defers to state and executive authority in the contemporary era. In *Shelby County v. Holder* (2013), the Court struck down key aspects of the Voting Rights Act, weakening how the federal government monitors state voting laws and igniting debates about voter suppression and fair elections. *Trump v. Hawaii* (2018) upheld the Trump administration's travel ban, emphasizing the executive branch's authority on immigration and national security despite concerns about religious discrimination.

More recently, the Court has issued numerous significant rulings. *Bostock v. Clayton County* (2020) extended Title VII protections to LGBTQ+ workers. In a controversial and major reversal, *Dobbs v. Jackson Women's Health Organization* (2022) overturned *Roe v. Wade*, eliminating the nationwide right to abortion and allowing states to ban or greatly limit it. This decision—one of the most significant shifts on civil rights in recent history—has sparked intense legal and political debates about reproductive rights and the Court's role in interpreting the Constitution.

THE BILL OF RIGHTS

Consisting of the first 10 amendments to the US Constitution, the Bill of Rights is a cornerstone of American civil rights and a defining feature of the nation's legal and political landscape. Ratified in 1791, these amendments addressed the concerns of those who feared that the original Constitution didn't do enough to protect individual rights from potential government overreach. They have shaped how Americans understand individual liberty and have been very important in defining the relationship between the people and their government.

The Bill of Rights protects basic freedoms like those of speech, religion, and freedom of the press (1st Amendment); the right to bear arms (2nd Amendment); and protection against unreasonable searches and seizures (4th Amendment). It also guarantees due process and fair trial (5th and 6th Amendments) as well as trial by a jury of peers (7th Amendment), and it protects individuals from things like excessive fines or cruel and unusual punishment (8th Amendment).

Initially, the Bill of Rights only applied to the federal government, as established in *Barron v. Baltimore* (1833). However, through a doctrine called **selective incorporation**, which claims that states cannot create laws that infringe upon the constitutional rights of US citizens, most of these rights have been extended to apply to state governments via the 14th Amendment's Due Process Clause. This process, which began in the early 20th century and accelerated during the civil rights era, significantly broadened the Bill of Rights' impact.

The Bill of Rights

1

1st Amendment: Protects freedom of speech, religion, press, assembly, and petition, serving as the cornerstone of American civil liberties. Its interpretation has evolved significantly over time, addressing issues from political dissent to internet speech.

2

2nd Amendment: Guarantees the right to keep and bear arms, making it one of the most contentious amendments in modern discourse. Its interpretation has shifted from a collective right tied to militia service to an individual right to own firearms for self-defense, as established in *District of Columbia v. Heller* (2008).

3

3rd Amendment: Prohibits the quartering of soldiers in private homes without consent during peacetime and regulates it during wartime. While rarely invoked in modern times, it reflects the founders' concern about government intrusion into private spaces and has been cited in some privacy rights cases.

4

4th Amendment: Protects against unreasonable searches and seizures and requires warrants based on probable cause. It has been crucial in shaping criminal procedure and privacy rights, with its interpretation continually evolving to address new technologies and surveillance methods.

5

5th Amendment: Provides various protections in criminal proceedings, including the right against self-incrimination, double jeopardy protection, and the requirement of due process. It also requires just compensation for private property taken for public use, known as the **Takings Clause**.

6th Amendment: Guarantees rights in criminal prosecutions, including the right to a speedy and public trial by an impartial jury, the right to counsel, and the right to confront witnesses. Its interpretation has led to significant reforms in the criminal justice system, including the landmark case *Gideon v. Wainwright* (1963), which established the right to counsel for defendants who cannot afford their own.

7th Amendment: Preserves the right to jury trial in civil cases where the value in controversy exceeds $20. Unlike most other amendments in the Bill of Rights, its application has not been extended to the states and thus only applies in federal courts.

8th Amendment: Prohibits excessive bail, excessive fines, and cruel and unusual punishment. Its interpretation, particularly regarding what constitutes "cruel and unusual punishment," has evolved significantly over time, influencing debates on capital punishment and prison conditions.

9th Amendment: States that the enumeration of certain rights in the Constitution does not deny or disparage others retained by the people. It was intended to ensure that rights that could not have been imagined at the time the Constitution was written might still be protected. While rarely the basis for Court decisions on its own, it has been cited in arguments for unenumerated rights, such as the right to privacy.

10th Amendment: Reserves powers not delegated to the federal government for the states or the people. Consequently, it is crucial in debates about federalism. Its interpretation has fluctuated over time, influencing the balance of power between state and federal governments.

Debates about the interpretation of the Bill of Rights reflect ongoing societal evolution and new challenges to individuals' civil liberties. There are several contemporary examples of ongoing debates, including the extent of 2nd Amendment rights, the balance between security and privacy under the 4th Amendment, and the evolving definition of "cruel and unusual punishment" under the 8th Amendment.

There is enduring debate surrounding the 2nd Amendment's right to bear arms. *District of Columbia v. Heller* (2008) and *McDonald v. Chicago* (2010) affirmed an individual's right to own guns for self-defense but left unanswered questions about gun control measures. Issues like assault weapon bans, background checks, and concealed carry laws remain contentious, particularly given the rise in active shooter incidents characterized as mass shootings since the beginning of the 21st century.

Balancing national security with 4th Amendment privacy rights is another major topic of contemporary debate. With new digital technology and 21st-century concerns about terrorism come complex questions about the extent of government surveillance powers. *Carpenter v. United States* (2018) required police to have warrants before obtaining cell phone location data, highlighting the need to apply traditional constitutional principles to modern geolocation technology and other developments the original authors of the Constitution could not have conceived. Similar ongoing discussions persist around facial recognition technology, mass data collection, and data encryption.

The 1st Amendment also sparks modern debate, especially over free speech online and balancing religious liberty with antidiscrimination laws. Issues like hate speech on social media, campaign finance regulations (after *Citizens United v. FEC* in 2010), and the extent to which private corporations can regulate speech have become increasingly significant issues. In *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018), the Supreme Court considered whether businesses could cite religious liberty as justification for refusing to serve certain customers (such as those who identity as LGBTQ+). The Court reversed the state civil rights commission's ruling and sided with the business owner, illustrating the continuing conflict between religious liberty groups and LGBTQ+ advocates while also raising questions about religious exemptions from antidiscrimination laws.

As society grapples with issues of identity, equality, and rapidly evolving technology, the interpretation and application of the Bill of Rights will remain central to legal and political discourse in the United States.

INCORPORATION OF THE BILL OF RIGHTS

The **incorporation doctrine** is a constitutional principle that profoundly reshaped how the Bill of Rights is applied in the United States. It significantly altered the balance of power between national and state governments while expanding civil rights protections across the country. This doctrine states that the 14th Amendment's Due Process Clause extends parts of the Bill of Rights to the states. Prior to this doctrine, as established in *Barron v. Baltimore* (1833), the Bill of Rights constrained only the federal government, not state or local governments. Incorporation began in the late 19th century and accelerated during the 20th century, notably during the civil rights era, through a series of landmark decisions in which the Supreme Court selectively applied the Bill of Rights on a case-by-case basis rather than applying the entire Bill of Rights to the states at once.

This doctrine has broadened the reach of the Bill of Rights, establishing a national standard for civil liberties. Key cases include *Gitlow v. New York* (1925), which incorporated freedom of speech; *Near v. Minnesota* (1931), which incorporated freedom of the press; *Mapp v. Ohio* (1961), which extended the exclusionary rule to the states; and *Gideon v. Wainwright* (1963), which guaranteed legal representation in state criminal proceedings. More recently, *McDonald v. Chicago* (2010) incorporated the 2nd Amendment right to keep and bear arms. However, a few provisions remain unincorporated, such as the 3rd Amendment's protection against quartering soldiers and the 7th Amendment's right to a jury trial in noncriminal cases.

Implications of Incorporation

The incorporation of the Bill of Rights via the 14th Amendment's Due Process Clause profoundly transformed American law and society by standardizing civil liberties nationwide. State protections varied widely prior to incorporation, leading to uneven protection of civil liberties and civil rights across the country. The incorporation doctrine empowered federal courts, notably the Supreme Court, to actively enforce the protection of civil liberties at all levels of government. This has led to significant decisions that have profoundly changed American law and society, from desegregating schools (*Brown v. Board of Education*, 1954) to establishing legal rights for the criminally accused (*Miranda v. Arizona*, 1966).

Incorporation also shifted power from states to the federal government, a controversial move that has been seen as diminishing states' rights and local autonomy. This change also intensified federal litigation, as people

can now appeal to federal courts when state and local authorities violate their constitutional rights. Consequently, the federal judiciary's role in American governance has expanded significantly. Additionally, the selective, case-by-case nature of incorporation provokes legal debates over which rights should be incorporated and their scope.

As society continues to evolve with new technologies, cultural conventions, and societal shifts, the implications of incorporation remain dynamic and the Bill of Rights continues to be shaped by new applications and interpretations.

EQUAL PROTECTION AND DUE PROCESS

Equal protection and due process are foundational principles in the Constitution that safeguard individual rights and ensure fairness in the American legal system. Both principles are enshrined in the 14th Amendment, which states that no state shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Equal protection requires the government to treat people in similar situations equally, preventing discrimination based on characteristics like race, gender, religion, national origin, and more.

The Supreme Court has developed different levels of scrutiny to evaluate laws that classify individuals: strict scrutiny for classifications based on race or national origin, intermediate scrutiny for classifications based on gender, and rational basis review for most other classifications. The 14th Amendment's guarantee of equal protection has been very important in expanding civil rights, from ending segregation in schools (*Brown v. Board of Education*, 1954) to allowing same-sex marriage (*Obergefell v. Hodges*, 2015), yet debates continue over issues such as affirmative action and the extent to which equal protection addresses economic inequalities.

The 14th Amendment's guarantee of due process is split into two categories: **procedural due process** and **substantive due process**. Procedural due process requires the government to follow fair procedures when taking away someone's life, liberty, or property. This typically means protecting an individual's right to notice, granting them an opportunity to be heard, and guaranteeing them an impartial decision maker. The exact requirements can change depending on the situation, as determined in *Mathews v. Eldridge* (1976), which specified that due process must be evaluated by

a balancing test accounting for both individual and government interests. Substantive due process requires the government to have sufficient reason to take away life, liberty, or property and thereby protects certain fundamental rights from government interference. It has been used to protect rights like privacy in *Griswold v. Connecticut* (1965) and various other rights related to personal autonomy. This concept has been controversial, as it requires courts to determine which rights are important enough to qualify for constitutional protection.

CONCLUSION

From the early days of the United States through Reconstruction, the Lochner Era, the civil rights movement, and even today, the US Supreme Court has played a crucial role in shaping the understanding and protection of civil liberties and civil rights through landmark cases that have expanded or limited them. Key legal principles such as the incorporation doctrine, equal protection, and due process form the foundation of civil rights jurisprudence in the United States. Courts have interpreted and applied these principles over time to address issues like segregation, privacy rights, minority rights, and LGBTQ+ equality. The dynamic nature of how American civil liberties and civil rights are interpreted is due to an ever-evolving judicial response to changing societal norms, technological advancements, and shifts in judicial philosophy. This evolution highlights the ongoing tension between individual rights, collective security, and the scope of governmental power in American democracy.

READINESS CHECK: CIVIL LIBERTIES AND CIVIL RIGHTS

To check how well you understand the concepts covered in this chapter, review the following questions. If you have trouble answering any of them, consider reading through this chapter again and reviewing the key terms before moving on to the next chapter.

- How did the interpretation and application of the 14th Amendment's Equal Protection Clause and Due Process Clause change between Reconstruction and the Civil Rights Revolution (1865–1969)?
    - Which Supreme Court decisions most impacted this evolution?
    - Which constitutional amendments most impacted this evolution?
    - How did societal changes affect this evolution?

- In American jurisprudence, what is incorporation, and what impact did it have on civil liberties in the United States?
  - What historical context informed the development of the incorporation doctrine?
  - What are some key Supreme Court cases that applied this doctrine?
  - How has incorporation affected the balance of power between federal and state governments in protecting individual rights?
- What issues were at the core of these Supreme Court cases, and what did they contribute to the evolving concepts of civil liberties and civil rights in the United States?
  - *Marbury v. Madison* (1803)
  - *Barron v. Baltimore* (1833)
  - *Dred Scott v. Sandford* (1857)
  - *Slaughter-House Cases* (1873)
  - *Plessy v. Ferguson* (1896)
  - *Lochner v. New York* (1905)
  - *Meyer v. Nebraska* (1923)
  - *Gitlow v. New York* (1925)
  - *Pierce v. Society of Sisters* (1925)
  - *Near v. Minnesota* (1931)
  - *Brown v. Board of Education* (1954)
  - *Mapp v. Ohio* (1961)
  - *Gideon v. Wainwright* (1963)
  - *Griswold v. Connecticut* (1965)
  - *Miranda v. Arizona* (1966)
  - *Loving v. Virginia* (1967)
  - *Roe v. Wade* (1973)
  - *United States v. Virginia* (1996)
  - *Bush v. Gore* (2000)
  - *District of Columbia v. Heller* (2008)
  - *Citizens United v. FEC* (2010)
  - *Obergefell v. Hodges* (2015)
  - *Dobbs v. Jackson Women's Health Organization* (2022)
- What are the basic premises of, and rights granted by, each of the 10 amendments in the Bill of Rights?
- What is due process, and how does it relate to civil liberties and civil rights?
- How does the Bill of Rights address the concept of equal rights?
- What is the difference between procedural due process and substantive due process?

TEST YOURSELF: CIVIL LIBERTIES AND CIVIL RIGHTS

1. Which of the following Supreme Court cases expanded the legal application of the Equal Protection Clause?

   A. *Marbury v. Madison*
   B. *Gitlow v. New York*
   C. *Citizens United v. FEC*
   D. *Brown v. Board of Education*
   E. *Masterpiece Cakeshop v. Colorado Civil Rights Commission*

2. The "separate but equal" doctrine was established in which of the following cases?

   A. *Brown v. Board of Education*
   B. *Plessy v. Ferguson*
   C. *Loving v. Virginia*
   D. *Dred Scott v. Sandford*
   E. *Obergefell v. Hodges*

3. Which of the following amendments to the US Constitution provides the legal justification for the application of the Bill of Rights to state and local governments?

   A. 1st Amendment
   B. 8th Amendment
   C. 10th Amendment
   D. 13th Amendment
   E. 14th Amendment

4. The case of *Lochner v. New York* (1905) is associated with which of the following legal doctrines?

   A. Equal protection
   B. Substantive due process
   C. Procedural due process
   D. Incorporation
   E. Separate but equal

5. Which of the following recent Supreme Court cases overturned *Roe v. Wade*?

   A. *Obergefell v. Hodges*
   B. *Citizens United v. FEC*
   C. *Shelby County v. Holder*
   D. *Dobbs v. Jackson Women's Health Organization*
   E. *Trump v. Hawaii*

Answer Key and Explanations

1. D	2. B	3. E	4. B	5. D

1. **The correct answer is D.** This landmark 1954 Supreme Court case directly addressed and significantly expanded the interpretation of the Equal Protection Clause of the 14th Amendment. *Brown v. Board of Education* overturned the "separate but equal" doctrine established by *Plessy v. Ferguson* in 1896. This decision not only paved the way for desegregation but also revitalized the Equal Protection Clause as a powerful tool for advancing civil rights.

2. **The correct answer is B.** This 1896 case upheld the constitutionality of racial segregation under the "separate but equal" doctrine, which remained in place until *Brown v. Board of Education* (choice A) overturned it in 1954.

3. **The correct answer is E.** The incorporation doctrine establishes that parts of the Bill of Rights are legally applicable to state and local governments. This doctrine is rooted in the Supreme Court's interpretation of the Due Process Clause of the 14th Amendment. In practice, this prevents state and local governments from passing laws that violate certain rights that are protected in the Constitution, and it has provided the legal justification for several landmark cases since its ratification.

4. **The correct answer is B.** *Lochner v. New York*, which considered the legality of labor laws in limiting weekly work hours, established the doctrine of substantive due process that determines whether the government has sufficient purpose to deprive a person of life, liberty, or property.

5. **The correct answer is D.** This 2022 case overturned *Roe v. Wade*, eliminating the federal constitutional right to abortion.

Chapter 6

Political Parties and Interest Groups

OVERVIEW

- Defining Political Parties and Interest Groups
- History of Major American Political Parties
- Mobilization
- Interest Groups
- Elections and the Electoral College
- Conclusion
- Readiness Check: Political Parties and Interest Groups
- Test Yourself: Political Parties and Interest Groups

Political parties and **interest groups** are the means by which voters interact with the government and, as such, are essential to American politics. This chapter covers the definition and history of major American political parties, their organizational structures, and the contemporary platforms of the Democratic and Republican parties. It also describes how these parties mobilize support, the influence that interest groups have on political processes, and the mechanics of elections and the **Electoral College**. Understanding these concepts is crucial, as political parties and interest groups are addressed in 15%–20% of the CLEP American Government exam.

DEFINING POLITICAL PARTIES AND INTEREST GROUPS

Political parties are organized groups that seek to represent the interests of their supporters, formulate policy agendas, and govern at various levels of government through party members who are elected to public office. Within the political system, political parties play a crucial role in structuring political debates, mobilizing voters, and facilitating collective decision making.

The United States is frequently described as operating under a **two-party system**, since its major elections nearly always come down to a race between the **Democratic Party** and **Republican Party**. Over the course of the country's history, these two parties have dominated its political processes; however, many other parties—commonly known as **third parties**—also campaign and take part in political elections, affecting political processes. For example, members of the **Libertarian Party** have historically occupied some seats in Congress.

Interest groups, on the other hand, are organizations that seek to influence government policy and decisions without their representatives directly seeking elected positions. Focusing on specific issues or sets of issues, interest groups advocate for their causes and play a significant role in shaping party platforms and influencing electoral outcomes through **lobbying**, campaign contributions, and grassroots activism. For example, the **American Civil Liberties Union (ACLU)** is a well-known public interest law firm that also acts as an interest group when petitioning lawmakers to consider how different policies impact civil liberties and civil rights.

Political parties and interest groups are essential to the American political system, helping to shape government policy and actions; their objectives and methods are what set them apart. Political parties seek to gain power through elections so they can directly govern and implement broad policy agendas, whereas interest groups aim to indirectly influence those in power—regardless of which party is in control—to favor their specific interests.

HISTORY OF MAJOR POLITICAL PARTIES

US political parties date back to the nation's founding, despite the founders' initial concerns over the potential for factions to develop. The first major parties—the **Federalists** and the **Democratic-Republicans**—evolved by the mid-19th century into the modern two-party system of Democrats and Republicans. Throughout the nation's history, political parties have undergone significant ideological shifts, most notably during the US **Civil War**, the **Progressive Era**, and the **civil rights movement**. These changes in political parties' composition and ideologies both reflected broader societal and demographic shifts and were responses to major historical events.

US political parties' organization and mobilization methods have adapted over time to changing demographics and communication technologies, initially relying heavily on patronage and local political machines and

later incorporating more democratic processes, such as **political primaries**. In the 20th century, with the advent of television and the internet, a shift toward candidate-centered politics allowed politicians to build support independent of party structures.

Early Foundations

When **James Madison** traveled to Philadelphia in 1787 for the Constitutional Convention, he sought to protect the United States from mob rule and majority interests. He viewed **direct democracy** as dangerous since it could weaken the government's ability to make logical, long-term decisions, leading to the creation of laws influenced by short-term passions.

Madison believed that factions could harm national interests and threaten American democracy because they could easily be influenced by manipulative leaders. To avoid this, he proposed that the general population should directly elect only members of the **House of Representatives**, not members of the **Senate** or the president. Madison believed that his model, combined with the federal-state power divide and the separation of powers among the **executive, judicial, and legislative branches**, would prevent any single body from claiming to represent the people's direct will and practicing mob rule.

Madison, **Alexander Hamilton**, and **John Jay** described their vision of federalism in the 85 essays of the ***Federalist Papers***. **Federalism** promoted a strong central government and a flexible interpretation of the **Constitution**, allowing for "implied" powers. Many Federalists' views were institutionalized during Hamilton's term as treasury secretary under George Washington, a time when the federal government assumed state war debts, established new tax laws, signed the **Jay Treaty** with England in 1795, and created the first national bank.

This historical foundation emphasized a balanced government structure and guarded against the volatility of direct democracy. The creation of a strong central government with a system of **checks and balances** was designed to ensure stability and protect the republic from **factionalism**.

The Democratic-Republicans

When Thomas Jefferson was secretary of state, he was concerned about Federalist policies. He believed that federalism endangered individuals' and states' rights and that its economic policy favored the upper class.

Jefferson and his supporters believed in strong states' rights and a strict, limited interpretation of the Constitution. Jefferson left Washington's cabinet in protest of its policies in 1794 and ran against **John Adams** for the presidency in 1796. This election marked the first division between Revolutionary War–era political leaders by party affiliation, with Jefferson representing the Democratic-Republicans and Adams representing the Federalists.

During his subsequent single term in office, Adams' policies—including the **Alien and Sedition Acts** that limited free speech and a foreign policy favoring England over France—angered the Democratic-Republicans. This dissatisfaction led to Jefferson's victory in the 1800 election, securing two presidential terms for the Democratic-Republicans. The Federalists would never recover from this loss of power—following the end of the **War of 1812** with England and the reelection of Democratic-Republican James Madison for a second term, they faded into political obscurity during the subsequent period of Democratic-Republican rule known as the **Era of Good Feelings**.

The Separation of Democrats and Republicans

The era of single-party rule ended with the contentious 1824 election between **John Quincy Adams** and **Andrew Jackson**. Jackson, who won both the popular and electoral votes but lost the presidency, viewed the outcome as corrupt. His supporters split from the Democratic-Republicans, calling themselves **Jacksonians**—this party later became the Democratic Party. Adams's supporters formed the **National Republican Party**. Jackson's subsequent decisive victory in 1828 and the ensuing policy debates established the two-party system, shaping the American political landscape as we know it today.

The Birth of the Republican Party

To shed the National Republican Party's elitist image after its 1832 defeat, **Henry Clay** and other National Republican leaders formed the **Whig Party** in the lead-up to the 1836 election. The Whigs capitalized on the new administration's economic struggles, criticizing President **Martin Van Buren** and promoting policies like reestablishing the National Bank, creating a national bankruptcy law, and establishing protective tariffs. They later opposed Democrat **James K. Polk**'s war with Mexico and advocated for infrastructure spending and tariff protections.

Millard Fillmore became president after Zachary Taylor's death, retaining Whig control of the government. However, his support for the **Fugitive Slave Act** alienated northerners. Fillmore did not receive the Whig nomination for the 1852 presidential election, which was disastrous for the Whigs and their candidate (General Winfield Scott). Coupled with subsequent economic prosperity under Democratic rule, the Whigs were left with little political ground and the party fragmented over the issues of slavery and secession, with many members joining the emerging antislavery and pro-Protestant Republican Party.

By 1854, the fully formed Republican Party consisted of former Whigs, disillusioned Democrats, and antislavery politicians whose platform focused on modernization, national infrastructure projects, supporting a free market economy, and containing slavery's spread. Gaining prominence in 1856, the Republicans rose to national significance with **Abraham Lincoln**'s election in 1860 and reelection in 1864. This historical evolution of parties shaped American civics by further solidifying the two-party system, emphasizing economic policies, and confronting issues like slavery and national development.

Political Parties during the Civil War

Before the Civil War, Democrats and Republicans were deeply divided over slavery. Democrats argued internally about letting voters in the territories decide on slavery, leading to a split during the **Democratic Convention of 1860**. Republicans, meanwhile, unified against the expansion of slavery into western territories, viewing it as a threat to democracy that needed to be contained and eradicated.

After the Civil War, the reform period known as **Reconstruction** (1865–1877) saw Republicans aiming to rebuild the nation and end slavery. Republicans led efforts to pass the 13th, 14th, and 15th Amendments, which would abolish slavery, grant citizenship to former enslaved persons, and ensure voting rights for all male citizens regardless of racial identity. The **Compromise of 1877**, which resolved the contested 1876 presidential election, saw Republican **Rutherford B. Hayes** become president in exchange for withdrawing federal troops from the South. This compromise ended Reconstruction and led to the rise of **Jim Crow laws**, which eroded the rights of Black Americans through **segregation**.

The Progressive Era and Party Reform

Following the Civil War and Reconstruction, US cities grew rapidly due to immigration and rural-to-urban migration linked to the **Industrial Revolution**. This growth strained local governments and their ability to provide public services, leading to the rise of **political machines** and **party bosses** who offered jobs and services in exchange for political loyalty. These party bosses controlled candidate selection, which disenfranchised voters and concentrated power among a handful of powerful, elite men. The resulting corruption prompted Progressive Era reforms (1890–1920).

Progressive reformers aimed to improve wages and workplace safety, advance women's suffrage, dismantle monopolies, enhance environmental regulations, and provide social welfare. Labor unions advocated for child labor restrictions and an 8-hour workday. Political reforms included the introduction of secret ballots, political primaries, and a merit-based **civil service**. In 1920, the 19th Amendment granted women the right to vote, a major victory for suffragettes like **Susan B. Anthony** and **Elizabeth Cady Stanton**, though it's worth noting that the amendment primarily benefitted white women. Suffrage for Black American women, Native American women, and other American women of color was not protected until the **Voting Rights Act of 1965** was passed 45 years later.

Following the **Great Depression**, the federal government—particularly the executive branch—gained more power. Under **Franklin D. Roosevelt** and his **New Deal**, the presidency led the charge on banking reforms, union protections, emergency relief, public works, agricultural investments, and the passage of the **Social Security Act**. These changes propelled the Democratic Party into the majority, supported by working-class and Black American voters (who were largely displeased with the Republican Party's lack of civil rights reforms) and European immigrants. Democrats used federal power to aid marginalized groups, while Republicans, supported by the middle class, business leaders, and nativists, opposed extensive federal intervention in the economy and social welfare.

The Civil Rights Movement

The civil rights movement of the 1960s, led primarily by younger, student-driven groups, sought to end systemic racism in the Jim Crow South. As media attention to the movement grew, so also did resistance from white conservatives, leading to violent clashes among the police, the military, protesters, and counterprotesters. As the movement's leading voice,

Martin Luther King Jr. organized the pivotal 1963 **March on Washington** in which his "I Have a Dream" speech called for **desegregation**, civil rights legislation, and the end of Jim Crow laws and associated discriminatory practices within public and private industries.

Following Democratic President **John F. Kennedy**'s assassination in 1963, **Lyndon B. Johnson** assumed the presidency. He championed the **Civil Rights Act** and the **Voting Rights Act**, which respectively banned segregation and discrimination and reformed electoral processes. Johnson's administration also passed initiatives like the Economic Opportunity Act of 1964; introduced programs like **Medicare**, **Medicaid**, and the federal **Food Stamp Act** to address poverty; invested heavily in public education; and established the **National Endowment for the Arts and Humanities**. These modestly successful programs and the evolving views on civil rights they represented caused a political shift. Many former Democratic supporters in the South and West felt alienated by these reforms and switched to the Republican Party.

Political reforms in the early 1970s established national nominating conventions for both parties' selection of presidential candidates—a shift from party-centered to candidate-centered politics. The use of direct primaries and nominating conventions, coupled with technological advances, reduced the political parties' power by enabling candidates to connect directly with voters. From this point forward, candidates needed to rely much more on personal appeal and independent campaign organizations rather than solely appealing to those in power in their party. This shift changed how politicians engage with the public and rally for support and votes.

Contemporary Democratic and Republican Party Platforms

The respective platforms of today's two-party political system remain largely ideologically unchanged since the defection of Southern Democrats to the Republican Party during the Johnson administration.

Democrats are thought of as supporting a larger, more active governmental role in the economy and society, favoring federal support for domestic programs and initiatives that attempt to improve the lives of lower-income citizens, ethnic minorities, and other marginalized groups. They tend to support social safety net programs and universal health care initiatives. Democrats also tend to vote in favor of more robust taxation to support social programs. Often, they support scientific findings concerning climate

change and develop initiatives and programs that attempt to slow its contributing factors. Democrats tend to champion progressive social policies such as abortion access and LGBTQ+ rights, relaxed citizenship requirements for immigration, and initiatives that address social inequities.

Republicans tend to be in favor of limiting the role of government, balancing the budget by reducing spending on social programs and cutting taxes, and relaxing regulations affecting the growth and operation of domestic industry. Generally more conservative about social issues, Republicans often oppose some liberties, such as abortion rights, but champion others, such as firearm ownership. Broadly speaking, Republicans prefer spending less on social welfare programs, instead favoring opportunities for work and personal wealth accumulation. For Republicans, consumer choice in health care is preferable to a widespread single-payer health care system—this stance aligns with Republicans' general tendency to support limited government intervention in the free market. While some Republicans support initiatives to combat climate change, this topic is the subject of notable division within the party.

MOBILIZATION

Political mobilization in the United States involves several key processes through which political parties select candidates, reach out to voters, and leverage partisan factors to influence elections. The ways in which US political parties organize and mobilize have changed over time, initially relying heavily on patronage and local political machines, then later incorporating more democratic processes.

Political parties select their candidates through a series of primary elections and caucuses. Primaries are elections in which registered party members vote to nominate candidates for upcoming general elections. There are two types of primaries: **open primaries**, which allow any registered voter to participate, and **closed primaries**, which are limited to registered party members. **Caucuses**, on the other hand, are meetings where party members discuss and vote for candidates. Varying by state and party, these processes influence the selection of candidates for everything from local offices to the presidency.

Once candidates are selected, political parties reach out to voters using mobilization efforts that include campaign rallies, advertisements, direct mail, and phone banks. Parties launch digital and social media campaigns

as they adapt their strategies to changes in demographics and communication technologies. Interest groups shape party platforms and influence electoral outcomes through lobbying, campaign contributions, and grassroots activism.

Parties and candidates seek to sway undecided voters, energize their base, and turn out supporters on Election Day. The goals of volunteers and paid staff are to identify potential supporters, encourage voter registration, and ensure high turnout among favorable demographics.

Partisan factors heavily influence political mobilization efforts and voter behavior, including turnout and electoral outcomes. Political parties often rely on core ideologies, policy platforms, and historical voting patterns to target specific voter demographics. For example, Republicans have long used their antiabortion stance to rally support from religious groups who generally oppose abortion. This targeted approach helps parties tailor their messages to resonate with different groups based on age, gender, race, socioeconomic status, or geographic location. Additionally, party organization strength, fundraising capabilities, and endorsements from influential figures further shape political mobilization strategies and outcomes.

INTEREST GROUPS

Representing business, labor, environmental, and social concerns among various sectors of society, interest groups are influential in shaping the US political system and public policy at all levels of government through lobbying efforts, campaign contributions, and mobilization of public opinion.

Rapid **industrialization** in the United States, particularly during the post–Civil War era from the 1870s to the early 1900s, led to significant social and economic changes. During this period, numerous interest groups arose, representing various sectors of society and seeking to influence public policy and further their causes. One of the most significant developments was the growth of **labor unions**, in which laborers organized to advocate for their rights in the workplace as industrialization created dangerous working conditions and greater economic inequality. Workers formed groups like the **Knights of Labor** and the **American Federation of Labor** that advocated for better wages and improved working conditions. Farmers facing economic hardships also formed interest groups such as the **Farmers' Alliance**, which lobbied for agricultural interests and reform.

To represent the interests of various industries and push for favorable economic policies, business interests also organized during this period by forming **trade associations** and **chambers of commerce**. Additionally, issues caused by rapid **urbanization** and industrialization led to the development of temperance organizations, women's suffrage groups, and progressive reform groups that advocated for child labor laws, food safety regulations, and other social welfare policies. These diverse interest groups reflected the increasingly complex economic and social landscape of post–Civil War society, as distinct groups sought to navigate and influence the rapidly changing nation.

Interest groups have come to use a variety of communication and data analysis technologies to enhance their reach. They often play a crucial role in shaping party platforms by pushing for specific policy positions and the selection of certain political candidates through substantial campaign contributions. **Supreme Court** decisions like *Citizens United v. FEC* (2010), which removed some restrictions on political spending by corporations and unions, have further amplified interest groups' economic influence. As a result, the direct involvement and influence of interest groups in the US political system has grown substantially.

While interest groups can amplify minority viewpoints in the political process, their growing influence has raised concerns about the role of money in political representation. Critics argue that well-funded interest groups can override the voices of ordinary citizens and create policy outcomes that favor special interests rather than the larger public good. These concerns have led to debates about campaign finance reform, lobbying regulations, and the overall health of democracy in the United States. Regardless, interest groups remain significant in the US political landscape.

ELECTIONS AND THE ELECTORAL COLLEGE

A fundamental part of American democracy, elections are the primary mechanism through which citizens select their leaders and influence government policy. The Electoral College is a unique feature of the US presidential election system, ultimately determining the outcome of presidential races by allocating votes to candidates based on each state's results.

American Elections

Through elections, citizens of democracies can choose their representatives at various levels of government. In the United States, federal elections

are held on the first Tuesday after the first Monday in November during even-numbered years. This includes elections for the 435-seat House of Representatives every two years and for approximately one-third of the 100 seats in the Senate, for which elections are held every six years on a rotating basis. Presidential elections, held every four years, coincide with these federal elections. Elections for state and local candidates generally (but not always) follow this schedule. **Ballot initiatives** and other issues that require a vote are generally voted on when candidates are elected. At the local level, elections vary widely depending on state and local laws and typically include elections for state governors, legislators, mayors, city council members, and other local officials. These elections often occur on different schedules, whether annually, every two years, or on another specified schedule.

On Election Day, eligible citizens who are registered to vote cast their ballots at a designated polling place or, in some states, through mail-in voting. Voter turnout and engagement can vary widely depending on the race's prominence, voter registration laws, and the effectiveness of get-out-the-vote efforts. The votes are then counted, and the candidate with the majority of the votes wins the election. For the presidential race, the process ends with the Electoral College vote, in which electors from each state cast their ballots based on their state's popular vote. This system ensures that the electoral process both reflects the popular will and is structured within the framework established by the US Constitution.

The Electoral College

In presidential elections, voters do not elect the president and vice president directly through a national popular vote. Instead, their votes contribute to their state's popular election tally and then electors cast their votes based on those results. This system, known as the Electoral College, was created to balance the interests of large and small states. Each state's number of electors is equal to its number of representatives in Congress. There are a total of 538 electors in the Electoral College to align with the 435 seats in the House of Representatives and 100 seats in the Senate plus an additional 3 electors who represent Washington, DC. The candidate who wins the majority of electoral votes (270 or more out of 538) becomes the president-elect. The Electoral College system makes the election process more complex, as it means that the final outcome of a presidential election ultimately depends on the distribution of electoral votes among the states.

Historically speaking, the winner of the Electoral College vote also tends to win the popular vote, but this is not always the case. Most recently, George W. Bush (2000) and Donald Trump (2016) won the Electoral College vote while losing the popular vote. If none of the presidential candidates receives a clear majority of electoral votes, Congress must decide the winner. Specifically, the House of Representatives chooses from the three presidential candidates with the highest electoral vote counts.

Third Parties and Independent Voters

While the American political system is often called a "two-party system," this does not mean that only two parties participate in elections. Numerous political parties (such as the **Green Party**, the Libertarian Party, the **Democratic Socialists of America**, etc.) and those registered as **independents** regularly participate in elections. While these parties' candidates typically receive significantly fewer votes in presidential elections than those of the Democratic and Republican parties, exceptions to this pattern do occur, such as the 1992 presidential election in which Ross Perot ran as an independent candidate and amassed 18.9% of the popular vote.

Third parties typically face disadvantages with presidential elections. The Democratic and Republican parties generally capture more media attention than do third parties, and the prevailing conception of the "two-party system" reinforces this attention. Further, both parties frequently co-opt and integrate third-party policy platforms, drawing in independent voters who might otherwise vote for a third party. Independent voters—those with no hard-set party affiliation—make up a substantial part of the US population. Some studies even suggest that the majority of voting-age Americans identify as independent. As such, independent voters are frequently the subject of platform targeting and mobilization efforts, as the two dominant parties seek to sway these "undecided" voters to their side.

Independent voters are also often associated with **realigning/critical elections**, which are elections that mark sharp and widespread changes within a political party's platform and ideology. Such elections can result from progressive developments, disenchantment, or even frustration. They can occur suddenly and with little warning, or they can be the result of a slow change over time. In either case, some political scientists view independent voters as critical to these processes, as their preference for policy over party loyalty makes them more likely to initiate change.

Influencing Factors

Many factors can affect elections and result in either positive or negative outcomes. War, natural disasters, and changes in the economy can also sway voter sentiment. **Incumbency**, the act of holding office, historically has profound influence over elections at every level. A current officeholder typically holds great advantages going into elections: they can point to demonstrable successes while in office, carry greater name recognition, and generally benefit from a sense of familiarity among voters.

Sometimes, political parties can influence election outcomes through direct action. **Gerrymandering** is a highly controversial process in which political parties that already hold political power over a region redraw voting districts to greater favor their party in an election, thereby reinforcing and maintaining control of a county, district, state, or even the country. Historically, gerrymandering has proven very successful at achieving results, leading to voter frustration about the futility of voting. As such, interest groups have emerged in recent years advocating for laws that restrict a party's ability to gerrymander.

CONCLUSION

Despite Washington's and Madison's concerns over factions and divisiveness in American politics, distinct political parties formed almost immediately in the early years of the United States. Party ideologies and coalitions were fully formed by the 1828 election between Adams and Jackson, and the consolidation into a true two-party system of Democrats and Republicans solidified by the time of Lincoln's election in 1860. Demographic changes and economic factors drove many of the shifts in both parties' priorities and coalitions throughout the 20th century. One significant factor was that control of the electoral system's machinery passed from parties and their leaders to individual candidates and their supporters via the advent of communications technologies that allowed for a direct relationship between politicians and the public. Certainly, Madison would be concerned about the impact of ideological **echo chambers** found in social media, the spread of **misinformation**, and the inflammation of **partisan politics** in our current era. These social and technological factors, along with low voter turnout, have led to a polarization in many political candidates' ideologies and a tribal mentality about party affiliation among members of the public. Because of this, the United

States is moving away from a consensus-driven political system that favors long-term, logical policy decisions and moving toward an electorate more concerned about scoring political points against opposition candidates and their supporters.

READINESS CHECK: POLITICAL PARTIES AND INTEREST GROUPS

To check how well you understand the concepts covered in this chapter, review the following questions. If you have trouble answering any of them, consider reading through this chapter again and reviewing the key terms before moving on to the next chapter.

- Can you define political parties and interest groups and explain the difference between the two?
- How would you characterize the major shifts in party demographics and ideologies from the Progressive Era through the civil rights movement?
- What major events or factors contributed to the shifting identities of the two major American political parties?
- How do elections work in the United States?
- What role does the Electoral College play in American presidential elections?
- Can you provide examples of how the US political process became more or less democratized at different points in history?
- Who were these figures, and what did they contribute to the evolution of political parties in the United States?
    - James Madison
    - George Washington
    - Thomas Jefferson
    - John Quincy Adams
    - Andrew Jackson
    - James K. Polk
    - Abraham Lincoln
    - Andrew Johnson
    - Susan B. Anthony
    - Elizabeth Cady Stanton
    - Theodore Roosevelt
    - Franklin D. Roosevelt
    - Martin Luther King Jr.
    - Lyndon B. Johnson

TEST YOURSELF: POLITICAL PARTIES AND INTEREST GROUPS

1. Which act, passed in 1854, made slavery the central political issue in American politics?

   A. Missouri Compromise
   B. Kansas-Nebraska Act
   C. Fugitive Slave Act
   D. Alien and Sedition Acts
   E. Civil Rights Act

2. What was the name given to the reform period following the US Civil War that lasted until 1877?

   A. The Great Society
   B. The New Deal
   C. The Progressive Era
   D. Reconstruction
   E. The Gilded Age

3. The Electoral College affects the election of which type of candidate(s)?

   A. Presidents only
   B. Congressmembers only
   C. Governors only
   D. Both presidents and governors
   E. Both presidents and congressmembers

4. Which of the following describes a system in which political party bosses handpick candidates for election?

   A. Spoils system
   B. Political machines
   C. Popular sovereignty
   D. Civil service
   E. Gerrymandering

5. Which of the following best describes an open primary?

   A. Any citizen may vote in the primary, regardless of voter registration status.
   B. Any registered voter may vote in the primary, regardless of party affiliation.
   C. Any registered voter who voted in the last presidential election may vote in the primary.
   D. Any voter affiliated with the party may vote in the primary, regardless of voter registration status.
   E. Any registered voter affiliated with the party may vote in the primary.

Answer Key and Explanations

1. B	2. D	3. A	4. B	5. B

1. **The correct answer is B.** The Kansas-Nebraska Act effectively repealed the Missouri Compromise of 1820, which had prohibited slavery in the Louisiana Territory above the 36°30' parallel (except for Missouri). This act made slavery the central and most divisive political issue, led to increased hostility between proslavery and antislavery factions, contributed to the formation of the Republican Party, and set the stage for conflicts that ultimately led to the Civil War.

2. **The correct answer is D.** The Reconstruction period, which lasted from the end of the US Civil War in 1865 until 1877, was a crucial time of reform and rebuilding in American history. Reconstruction was characterized by efforts to reunite the nation, rebuild the South, and integrate formerly enslaved people into American society. During this time, the Republican-led Congress passed the 13th, 14th, and 15th Amendments to the Constitution, which abolished slavery, granted citizenship rights to Black Americans, and guaranteed voting rights to male citizens regardless of race. The period ended with the Compromise of 1877, which resulted in the withdrawal of federal troops from the South and effectively ended many of the reforms.

3. **The correct answer is A.** The Electoral College influences only the US presidential election. All other elections are decided directly by voters, either at the state level or within various smaller districts, counties, parishes, or other collectives.

4. **The correct answer is B.** Political machines were localized systems that emerged in the late 19th century in which party bosses expected political loyalty from specific groups in exchange for jobs, housing, and public works projects. These party bosses handpicked political candidates for election, preventing ordinary voters from selecting candidates that served the public good.

5. **The correct answer is B.** Choices A and D can be eliminated because all voters must be registered for any primary. Choice C can be eliminated because participation in prior elections has no bearing on one's ability to vote in a primary. Open primaries are open to any registered voter, while closed primaries allow only registered voters affiliated with the party to participate (choice E).

Chapter 7

Political Beliefs and Behavior

OVERVIEW

- Political Information and Education
- Political Participation
- Voting Behaviors and Trends
- How Public Opinion Forms
- Effects of Public Opinion on Government Function
- Political Culture: Development and Divisions
- Conclusion
- Readiness Check: Political Beliefs and Behavior
- Test Yourself: Political Beliefs and Behavior

Understanding political beliefs and behavior is essential to understanding American government. This chapter explores how citizens acquire political information, how patterns and trends influence voter behavior, how politics influences and is influenced by **public opinion**, and how the divisions within American political culture affect the way political beliefs develop. As these topics are fundamental to comprehending the dynamics of American politics, 15%–20% of the CLEP American Government exam addresses political beliefs and behavior.

POLITICAL INFORMATION AND EDUCATION

Political socialization is the process that shapes individuals' political values, beliefs, attitudes, and behaviors. While this process begins early in life, people's political views may change as they move through different stages of life and encounter diverse influences, varied information sources, and evolving social norms.

Social Influences

Families, peer groups, and social networks play an important role in shaping people's political views. The family is a key source of early political socialization—children tend to initially adopt their parents' political views and attitudes. Research shows that parental influence, whether through direct communication about politics and current events or by observation of parents' voting habits or political participation, significantly predicts a person's political party affiliation and ideological leanings as an adult. During teenage years and young adulthood, friends and classmates can significantly influence political attitudes. The degree to which civics are discussed between peers in classroom settings can also influence a person's political opinions during formative years. In adulthood, colleagues, neighbors, and social groups continue to impact political socialization. Social media enhances peer influence, allowing people to form and join online communities based on shared interests or beliefs, and it can reinforce political views and mobilize people for political action.

Media Influences

The media plays a crucial role in political socialization today. While traditional news sources like newspapers, TV news, and radio remain important, digital media has transformed how Americans receive political information. Social media platforms are now major sources of political news and discussion, especially for younger generations, because they provide spaces for debate and expression and enable users to rapidly share information.

The internet and digital technologies have revolutionized how people access and engage with political information by providing diverse sources of political information, from traditional media organizations to independent blogs. Sites dedicated to **fact-checking** political claims help users navigate the complex and often contradictory world of political information. Mobile apps provide easy access to candidate information, voting procedures, and political news. Courses on government, politics, and civic engagement offered by digital learning platforms allow users to deepen their political knowledge at their own pace. Emerging technologies offer immersive political education experiences, such as virtual tours of government institutions or interactive simulations of political processes.

Institutional Influences

Many formal institutions directly affect political socialization. Schools contribute to political socialization by offering civic education and promoting political discussion and engagement. Required in many states, civics classes teach students about government structure, the Constitution, and the rights and duties of **citizenship**. Student government, debate clubs, and mock elections in schools provide political engagement opportunities. Colleges and universities also enhance political socialization, exposing students to different ideas and perspectives that can refine or alter their political beliefs. Guest speakers, demonstrations, and student organizations on college campuses provide opportunities for political engagement and learning.

Political parties and **interest groups** shape public opinion, engage citizens in politics, and mobilize support through direct communication like mail, phone calls, emails, and social media. They organize local events such as political rallies, town halls, and debates to offer opportunities for direct engagement with candidates and issues. Many organizations also provide voter guides and educational materials about candidates and **ballot measures**.

Experiential and Economic Influences

Individual experiences and economic circumstances affect political learning and attitudes. For example, experiencing unemployment, benefiting from government programs, or serving in the military can shape a person's views on economic policy, social welfare, and foreign policy. Economic conditions often influence political attitudes and voting behavior; during economic downturns, citizens may engage more with politics to find solutions to financial challenges. Actively participating in civic activities like voting, attending local government meetings, volunteering for campaigns, or participating in protests shapes political knowledge and attitudes.

Obstacles and Challenges

Challenges to political learning include the overwhelming volume of political information and the spread of false or misleading information, especially on social media. Social media platforms make it easy to spread **false information**, contributing to "bubbles" that can intensify division,

especially as the evolving capabilities of artificial intelligence make it increasingly easy for algorithms to prune and curate the information a social media user encounters. Many Americans now almost exclusively access news that reflects their views, creating "**echo chambers**" that reinforce existing beliefs and **biases** and limit exposure to other perspectives, cyclically increasing political divisions.

Gerrymandering—the practice of drawing electoral districts to favor one party over another—has been criticized for reducing electoral competitiveness and distorting representation. Diminishing trust in government, media, and other institutions has increased many citizens' skepticism about political information provided by traditional sources. The complexity of political issues that require significant background knowledge to fully understand can prevent some people from engaging in political activities. Even the language of proposed **referendums** can present barriers for some voters by making it difficult to determine whether a yes or no vote accurately reflects their preferred stance without relying on experts in media to translate the legal meaning.

Understanding how political socialization works can help when developing strategies to promote civic education and engagement. As the political landscape becomes more complex and polarized, it becomes more important to develop active and informed citizens with media literacy, critical thinking skills, and tolerance of diverse perspectives.

POLITICAL PARTICIPATION

Political participation is a key part of American democracy, allowing citizens to influence government decisions and shape public policy. Citizens can participate in the political system in a variety of ways, including voting, campaigning, demonstrating, and many others, and engaged citizens are a crucial component of American democracy.

Voting

Voting is the cornerstone of political participation since it allows citizens to participate in elections at all levels, including presidential, congressional, state, local, and primary elections and **referendums**. Constitutional amendments and laws like the **Voting Rights Act of 1965** protect the right to vote. Many states have made voter registration easier with automatic, same-day, and online options. Measures like early voting, mail-in voting,

and making Election Day a holiday have been proposed or implemented in various jurisdictions to increase **voter turnout**. Political parties, civic organizations, and **grassroots groups** work to mobilize voters, especially in key elections. Similarly, various mobile apps and online platforms connect voters to information about candidates, polling locations, and ballot measures. Even those who are not committed to a specific candidate may still engage in efforts to increase voter registration numbers in their community.

Political Activities

Many Americans participate in political campaigns by volunteering, **canvassing**, donating money, attending rallies, or displaying yard signs and bumper stickers. These activities help candidates spread their message and mobilize voters. Digital campaigning has created new participation avenues, and many people get involved by sharing political content on social media or participating in online fundraising. Online petitions, social media campaigns, and digital fundraising are key tools for political engagement, especially among younger generations. Additionally, citizens often contact their representatives to express opinions, seek help, or advocate for policies. While the effectiveness of these efforts varies, they remain important ways for **constituents** to be heard.

Public demonstrations, from peaceful marches to more confrontational protests, have played a major role in American political history. Examples include the **civil rights movement**, antiwar protests, and recent movements like Black Lives Matter and the Women's March. These activities highlight issues, shape public opinion, and pressure policymakers. Through grassroots organizing, including neighborhood associations, advocacy groups, or local chapters of national organizations, citizens work locally to address community issues or advocate for change.

Participation Trends

While overall participation rates have remained relatively stable, the 21st century has seen an increase in the intensity of participation among those who are politically engaged. This is often linked to growing political polarization, with supporters of both major parties becoming more ideologically distinct and less willing to compromise. A growing dissatisfaction with the two-party system and increased political polarization in recent decades has led to more Americans identifying as **independents** than as Democrats or Republicans. Younger generations (millennials and Gen Z)

tend to participate less than older generations in traditional activities like voting but are more likely to engage in online activism and participate in issue-based movements.

Political misinformation, especially on social media, is a significant challenge to informed political participation. Improving media literacy and combating misinformation are therefore crucial for ensuring healthy democratic engagement. Concerns about declining civic knowledge in younger generations have led to efforts to improve civic education in schools and provide ongoing education for adults.

Political participation in the United States includes a variety of activities through which citizens influence government and shape public policy. Despite challenges like declining trust in institutions and growing polarization, American democracy is ever evolving, with new forms of engagement emerging alongside traditional ones as technology advances, demographics shift, and social norms evolve.

VOTING BEHAVIORS AND TRENDS

Voting is a crucial expression of the will of the people in American democracy and voting behaviors and trends shape the political landscape. Voter turnout—the number of eligible voters who cast ballots—is fundamental to the election process. The United States historically has lower turnout compared with other developed democracies, with presidential elections typically seeing 50%–60% turnout and midterm elections 40%–50%.

Several factors influence turnout. Education, income, and occupation are strong predictors of political participation. Higher socioeconomic status is linked to higher engagement due to better access to information, more free time, and a stronger sense of **political efficacy**. Older Americans historically vote at higher rates than younger citizens, but this gap has narrowed with increased youth turnout in elections of the 21st century. The 2018 midterms had the highest midterm turnout in over 100 years, and the 2020 presidential election had the highest turnout in a century, with about 66% of eligible voters participating.

Barriers

Historical barriers to voting that persist to this day have led to differences in engagement, with particularly large gaps between genders and across racial and ethnic groups. While these gaps have narrowed over time,

especially in voting rates, inequalities persist in other forms of participation. The **gender gap** in voting patterns, turnout, political attitudes, and participation has largely closed, with women voting at higher rates than men in recent elections. However, women, people of color, the LGBTQ+ community, and other marginalized groups remain underrepresented in elected offices and some political leadership roles.

In recent years, age has become a bigger gap—the older age of many lawmakers has been criticized by younger voters and suggests that significant barriers exist for younger people hoping to enter politics. For example, in the 117th Congress, the average age of members of the House of Representatives was about 58 years, while the average age of senators was about 64.* This trend has led to many younger voters becoming disengaged because they do not feel that lawmakers represent them.

Distrust of government and feelings of powerlessness can also suppress engagement. In recent years, there have been concerns about voter suppression in a variety of forms, including enforcing strict ID laws, purging voter rolls, and closing polling places. These tactics disproportionately affect communities of color, leading to legal battles and calls to increase voting rights protections. Voting laws and procedures, such as registration requirements, **voter ID laws**, and early or mail-in voting, affect participation rates for better or worse by increasing or restricting access to **suffrage**.

Additionally, the outsized influence of wealthy individuals and corporations on the political process has raised concerns about the role of money in politics, especially following the Supreme Court decision in *Citizens United v. FEC* (2010).

Factors Driving Participation

Those more interested in politics and with greater political knowledge are more likely to participate, highlighting the importance of civic education and accessible political information. The belief that one's political actions can make a difference (political efficacy) and a strong sense of **civic duty** are also strong predictors of participation.

While party affiliation remains the strongest predictor of voting behavior, issues also shape election outcomes and participation rates. Support for

* "117th United States Congress: A Survey of Books Written by Members," Library of Congress, Washington, DC, accessed July 23, 2024, https://guides.loc.gov/117th-congress-book-list.

incumbent parties is often influenced by perceptions of economic performance, as the economy and inflation are consistently top concerns. Health care and insurance—and debates over the **Affordable Care Act** and universal health care in particular—have been major issues in recent elections, as has immigration policy, especially in border states. Topics like climate change, abortion, LGBTQ+ rights, and gun control mobilize voters across the political spectrum. Current events, media coverage, and campaign messaging can shift the importance of these issues. For many voters, a given candidate's stance on key issues takes precedence over their party affiliation.

Recent trends shaping voting behavior in the United States include greater youth turnout in the 2018 and 2020 elections, which could mean that engagement among younger voters is increasing, and an acceleration in the adoption of mail-in voting due to the COVID-19 pandemic, a trend that will likely continue. Debates over voting rights and access, including voter ID laws, polling place closures, and gerrymandering, have intensified. Growing Hispanic and Asian American populations may reshape voting patterns in key states as the electorate becomes more diverse. Election security and integrity concerns, amplified by false claims of widespread fraud in the 2020 election, may affect voter confidence and participation in future elections.

HOW PUBLIC OPINION FORMS

Public opinion is a crucial component in policy decisions, election outcomes, and the political landscape of democratic societies. The term refers to the shared views, attitudes, and beliefs of a large portion of a population on a given issue. Public opinion changes over time and reflects general trends across an array of diverse and conflicting perspectives.

People typically form opinions by first gathering information from sources such as media, personal experiences, and social interactions, then examining new information through the lens of their existing beliefs and experiences. This can lead to **confirmation bias**, by which individuals accept information that confirms their preexisting views and reject conflicting information. People often seek this validation from their social groups, which can reinforce or modify their views, but many times, external influences have a significant impact.

Influential Factors

Both individual opinion and broader trends in public opinion are shaped by a variety of players. The media often influences public opinion by deciding which issues to cover (**agenda setting**) and how to frame them. Influential figures such as politicians, experts, and celebrities can also shape public opinion through their statements, actions, and publicized agendas. The way political leaders frame issues can strongly influence how the public perceives them, and academics, scientists, and other experts also have the power to sway public opinion, especially on complex or technical issues. Organizations and interest groups use campaigns, lobbying, and public education efforts to shape public opinion on specific issues.

Cultural values, religious beliefs, and moral frameworks are significant in shaping opinions on social and political issues. Religious beliefs can heavily influence views on issues like abortion, same-sex marriage, and education. Changing societal values and traditions also shape opinions on topics ranging from gender roles to environmental policies. Age, race, gender, education level, geographic location, and other demographic factors also influence public opinion. Shared experiences shape the distinct views typically held by different age groups, while opinions among racial and ethnic groups and other marginalized communities are often influenced by specific historical experiences and current social dynamics. Geographic location often corresponds to differing views on various political and social issues, creating divides in the electorate's political ideologies (e.g., urban/rural, small/large states, red/blue states).

Digital platforms have enabled new forms of political expression and organization, such as hashtag campaigns and online petitions, that are very influential. Social media spreads information and opinions quickly—sometimes outpacing **fact-checking** processes—and social media influencers and celebrities have emerged as new opinion leaders, especially among younger generations. By curating the content an individual encounters, social media platform algorithms can reinforce existing beliefs and limit people's exposure to different viewpoints. Political campaigns and interest groups often use data analytics to target and reach narrow segments of the population.

Tracking Public Opinion

Accurately measuring public opinion is challenging. While polls and surveys are useful, they can be affected by question wording, sampling

methods, and response biases. Public opinion can change rapidly in response to new events or information, making it hard to capture an accurate snapshot. The intensity of opinions is often as important as their prevalence but is harder to measure, and some people may not publicly express their strong views, which can skew the perception of overall opinion. The loudest voices may also get more attention, which affects the perspective about how the public at large views a given topic. The deliberate spread of false or misleading information can also distort public opinion.

Understanding these dynamics is crucial for interpreting public opinion polls, predicting political behavior, and comprehending the forces shaping democratic societies. As information ecosystems evolve and societies grow more diverse, the ways public opinion is formed and expressed will continue to change accordingly.

EFFECTS OF PUBLIC OPINION ON GOVERNMENT FUNCTION

In democratic societies like the United States, public opinion significantly influences government function. The complex relationship between public views and government action affects policy decisions and election outcomes, as elected officials often align their policies with public views to secure political support.

How Public Opinion Influences Governance

Public opinion generally shapes the legislative agenda, guiding which issues receive attention and government resources. If polls consistently reveal that health care is a top voter concern, lawmakers are more likely to prioritize health care reform. Presidents and governors may use executive actions to respond quickly to shifts in public opinion, especially on high-profile issues. In states with direct democracy measures, public opinion directly influences policy through initiatives and referendums. However, the relationship isn't always straightforward. The influence of interest groups, institutional limits, and policymakers' personal beliefs can sometimes lead to policies that diverge from the majority public opinion.

Public opinion on key issues often influences how people vote, affecting which candidates and parties gain power and shaping the options available in general elections. Political parties and primary voters tend to choose candidates whose views align with public opinion. Politicians

base their campaign strategies on public opinion data, focusing on issues they assume will resonate with voters and altering proposals to address concerns raised in opinion polls to gain public approval. The threat of future election defeat typically keeps officials responsive to public opinion throughout their terms, not just during campaigns.

News organizations typically amplify topics deemed important by the public. In this way, public opinion also shapes broader political discourse by influencing how issues are presented and discussed. Ultimately, public opinion can set the boundaries of acceptable political discourse, making certain positions or policy options politically unworkable.

Additionally, public opinion often gives legitimacy to government actions and institutions. Policies with broad public support face less resistance and are easier to implement. Government institutions need **institutional trust** to function, as low trust can limit their ability to carry out their missions. Public opinion can also impact foreign policy decisions and the government's ability to engage in international agreements or conflicts.

Public Opinion as a Limiting Factor

While public opinion can drive government action, it can also limit it. Deep public division on an issue can lead to political paralysis, with neither side willing to compromise for fear of alienating their base. Policymakers may hesitate to act if public opinion is strongly opposed to a course of action, even if they believe it is necessary. Responding to immediate public concerns can sometimes drive policymakers to focus on short-term solutions over long-term planning.

Furthermore, the spread of public opinion polling has significantly affected government function. Modern polling has led to a "permanent campaign" mentality, with officials constantly aware of how their actions might affect their poll numbers, which can lead to reactive rather than proactive governance. Both the spread of misinformation and deliberate attempts to manipulate public opinion can distort the relationship between true public sentiment and government action.

In addition to limiting the actual function of government, public opinion can also impair policymakers' influence. A passionate minority can usually exert more influence than a less engaged majority, especially on specific issues. Policymakers must often balance different group desires, leading to compromises that may not fully satisfy any single group.

Public opinion may be less informed or more changeable on technical or complex issues, resulting in policies driven by experts or interest groups rather than policymakers more familiar with legal intricacies. Many American political institutions were designed in ways that produce outcomes misaligned with national public opinion, as with the Electoral College or the Senate, where equal representation among states can lead to less populous states' public opinion overriding that of states with significantly larger populations.

In a democratic system, public sentiment guides policymaking, shapes election outcomes, influences political discourse, and legitimizes government actions. However, the complex relationship between government action and public opinion means various factors mediate and sometimes distort the way public opinion translates into government action. The dynamics between public opinion and government function will likely continue to shift as information technology evolves and new challenges emerge, requiring ongoing analysis and adaptation to ensure democratic governance remains healthy and effective.

POLITICAL CULTURE: DEVELOPMENT AND DIVISIONS

American political culture is a mix of shared values, beliefs, and attitudes that shape how Americans view their government, their role as citizens, and the political process itself. Historical events, population changes, and changing social norms have influenced this political culture, which is rooted in the nation's founding documents and has continued to develop over time. The Declaration of Independence emphasized individual rights and limited government, while the Constitution defined civil liberties and civil rights and established checks and balances. These documents laid the foundation for core American values like liberty, equality, and democracy.

History and Political Culture

Major events and developments in American history affect the political culture. Waves of immigration throughout American history have continually reshaped the nation's political culture, with each group adding diverse values and traditions that impact an evolving political landscape. The experience of westward expansion promoted values such as **individualism**, self-reliance, and social mobility. This "**frontier thesis**," explained

by historian Frederick Jackson Turner, suggests that early American character was significantly shaped by the continuous presence of a frontier. The mid-20th-century struggle for civil rights, which emphasized equality and challenged the nation to uphold its ideals, is mirrored in increased calls for greater protection for civil rights in recent years. The Cold War reinforced anticommunism and the belief in capitalist democracy's superiority. The rise of mass media and, later, the internet and social media has dramatically changed how Americans engage with politics and form political opinions. Each of these developments contribute to the complex history of American politics.

Because of the nation's history, American political culture has thrived on ideological concepts that emphasize personal liberty and provide protection from government overreach. The "**American Dream**" emphasizes personal freedom and a belief that all should have an equal opportunity to succeed. The concept of **popular sovereignty** holds that power ultimately resides with the people and is expressed through free elections and a representative government. **Constitutionalism** combines respect for the rule of law and the belief that government power should be limited and defined by the Constitution. The expectation that citizens will participate in the political process through voting, staying informed, and engaging in community service forms Americans' collective understanding of proper civic duty.

Political Divisions

Despite shared elements, American political culture is marked by significant divisions, often along ideological, regional, and demographic lines. Liberals tend to favor active government in social and economic issues, emphasizing equality and social justice. Conservatives tend to advocate for limited government intervention, focusing on individual responsibility and traditional values. The **urban-rural divide** is also a prominent feature of American political division, with urban areas on average leaning more liberal, diverse, and supportive of government intervention and rural areas typically leaning conservative and less racially diverse, emphasizing traditional values, gun rights, and limited government.

Historically, racial and ethnic groups have distinct political cultures shaped by their experiences and social realities. For example, a report by the Pew Research Center notes that white voters are more likely to support the Republican Party, whereas Hispanic Americans and Asian Americans

have historically been more likely to support the Democratic Party. Black American voters "overwhelmingly associate" with the Democratic Party, a stance bolstered by Democrats' typical support for civil rights initiatives. Education levels play a role as well—college-educated voters are reported to be more likely to vote for the Democratic Party, while those who do not have a college degree typically vote Republican.*

American political culture diverges significantly regarding the role of religion in public life. While some advocate for incorporating religious values into government, others stress secularism and the 1st Amendment's call for **separation of church and state**. Generational differences also influence political values. Younger generations (millennials and Gen Z) tend to be concerned about issues like climate change and income inequality; older generations often prioritize national security and traditional social values. Differing views on economic policy and the role of government lead to ongoing debates about taxation, welfare, and market regulation, reflecting deeper cultural disagreements about fairness and balancing individualism and **collectivism**.

In recent decades, an increasingly polarized American political culture has led to a widening ideological gap between Democrats and Republicans. Eroded institutional trust and declining confidence in government and traditional media challenge the American democratic political culture. Political affiliations are increasingly tied to **identity politics**, meaning political positions that primarily focus on issues relevant to specific groups based on race, gender, sexuality, religion, and/or cultural background. **Globalization** has created tension with American political culture's more **nationalist** elements, leading to debates over trade, immigration, and international cooperation. Online news sources and social media's increasingly segregated information ecosystems have inflamed this tension.

Such divisions and developments in American political culture significantly affect governance and policymaking, often lead to legislative gridlock, and make addressing major national challenges difficult. These divisions often manifest as conflicts between federal and state governments, particularly on issues like environmental regulation, education, and health care. Sharp shifts in power between parties can lead to policy reversals that create uncertainty and challenges for long-term planning. Voters are increasingly sorting themselves into ideologically similar

* Pew Research Center, *Changing Partisan Coalitions in a Politically Divided Nation*, Washington, DC, April 9, 2024, https://www.pewresearch.org/politics/2024/04/09/partisanship-by-race-ethnicity-and-education/.

communities, reducing the number of competitive electoral districts. Given this climate, American political culture will undoubtedly continue to transform in coming years.

CONCLUSION

Reflecting the nation's complex history, diverse population, and ever-changing social landscape, American political culture blends shared values and deep divisions. While foundational principles like liberty, equality, and democracy are central to American identity, their interpretation and application remain subject to ongoing debate. Divisions within American political culture challenge governance and social cohesion while demonstrating the energy of American democracy and its ability to negotiate shared values in a diverse society. New challenges and changing demographics will cause the United States' political culture to continually evolve. The ability to bridge divides, find common ground, and adapt to new realities will be crucial for American democracy's future health and stability.

READINESS CHECK: POLITICAL BELIEFS AND BEHAVIOR

To check how well you understand the concepts covered in this chapter, review the following questions. If you have trouble answering any of them, consider reading through this chapter again and reviewing the key terms before moving on to the next chapter.

- What are the characteristics of American political culture and how has its development been shaped by historical events, demographic changes, and technological advancements?
- How do ideological divisions in American political culture manifest in policy debates and governance?
- How do the following key concepts shape and influence the function of political beliefs and behaviors on both a public and individual level?
    - Political socialization
    - Grassroots organizing
    - Voter ID laws
    - Popular sovereignty
    - Constitutionalism
    - Civic duty
    - Urban-rural divide

    - Institutional trust
    - Identity politics
    - Individualism
    - Collectivism
- What roles do the following factors play in the formation of public opinion in the United States?
    - Media influence
    - Personal experiences
    - Demographic factors
    - Political agendas
- How might the following challenges in the digital age impact the quality of democratic discourse and decision making?
    - Misinformation
    - Echo chambers
    - Confirmation bias
- What impact, if any, do the shared and contrasting elements of American political culture have on governance and policymaking?
- How have the changes of the 21st century so far affected American political culture?

TEST YOURSELF: POLITICAL BELIEFS AND BEHAVIOR

1. Which of the following is NOT considered a primary agent of political socialization in the United States?

   A. Family
   B. Schools
   C. Media
   D. Labor unions
   E. Peer groups

2. Which of the following best describes a recent trend in American voting behavior?

   A. Decreasing polarization of Democratic and Republican voters
   B. Increasing tendency to split tickets in voting
   C. Growing ideological separation between Democratic and Republican voters
   D. Declining importance of party identification in voting decisions
   E. Decreasing voter registration

3. Increased access to political information, more visible participation in activism and issue-based movements, and a transition from traditional media to independent media outlets is associated with which of the following?

   A. Television news programs
   B. Newspapers
   C. Radio talk shows
   D. The internet and digital technologies
   E. Political rallies

4. In the early 21st century, one of the most significant challenges to the formation of public opinion has been

   A. a lack of access to information
   B. a heavy reliance on expert opinions
   C. the spread of misinformation
   D. excessive government regulation of media
   E. rapid technological change

5. Which of the following belief structures is foundational to the American political system?

   A. Marxism
   B. Constitutionalism
   C. Monarchism
   D. Socialism
   E. Realism

Answer Key and Explanations

1. D	2. C	3. D	4. C	5. B

1. **The correct answer is D.** While labor unions may influence some individuals' political views and beliefs, they are not typically considered a primary agent of political socialization for the general population. Family (choice A) is often the earliest and most influential source of political attitudes, schools (choice B) provide formal civic education, media (choice C) plays an increasingly significant role in shaping political views, and peer groups (choice E) or friends also have an impact on shaping political attitudes in adolescence and adulthood. Labor unions may have influence, but their impact is not as widespread or fundamental as the other options listed.

2. **The correct answer is C.** Over the past few decades, there has been growing ideological separation between Democratic and Republican voters. This trend reflects increasing, not decreasing (choice A), polarization in American politics. Choice B is incorrect because in recent years, there has been a decline in ticket splitting, meaning voting on a candidate-by-candidate basis instead of along party lines. Similarly, there has also been a decrease in the importance of party identification in voting behavior (choice D) and an increase in the number of registered voters, largely due to greater political polarization (choice E).

3. **The correct answer is D.** While television (choice A), newspapers (choice B), radio (choice C), and political rallies (choice E) are traditional sources for receiving political information, the internet and digital technologies have had a transformative impact. These technologies have created new platforms for information sharing, political debate, and mobilization, particularly among younger generations. These technologies have also shifted media consumption away from sources like TV news programs and newspapers toward online content that is more likely to be independently produced by individuals or smaller media outlets.

4. **The correct answer is C.** The spread of false or misleading political information, particularly on social media, is a significant challenge to informed citizenship and the formation of public opinion. Access to information has increased due to digital technologies, rather than decreased (choice A), and a heavy reliance on expert opinions (choice B) and government regulation of media (choice D) have not been particularly prevalent in the early 21st century. Rapid technological change (choice E) has been prevalent in the 21st century, but its impact on the formation of public opinion has been more indirect when compared with the spread of misinformation, making it a less ideal answer choice. Remember that when two choices seem plausibly correct, you should choose the one that *best* answers the question.

5. **The correct answer is B.** Constitutionalism, one of the key components of American political culture, is defined as a respect for the rule of law and the belief that government power should be limited and defined by a constitution. This reflects the fundamental importance of the US Constitution in American political thought and governance.

Chapter 8

Constitutional Underpinnings of American Democracy

OVERVIEW

- The Formulation and Adoption of the Constitution
- Federalism
- Separation of Powers
- Checks and Balances
- Majority Rule
- Minority Rights
- Theories of Democracy
- Conclusion
- Readiness Check: Constitutional Underpinnings of American Democracy
- Test Yourself: Constitutional Underpinnings of American Democracy

The Constitution provides the foundation of democracy in American government, shaping the nation's political landscape. This chapter discusses historical factors that influenced the creation and adoption of the Constitution. It also explores key systems that have defined and sustained democracy in the United States, including **federalism**, **separation of powers**, and **checks and balances**. Questions about these concepts account for 15%–20% of the CLEP American Government exam.

THE FORMULATION AND ADOPTION OF THE CONSTITUTION

The Constitution of the United States was created at the **Constitutional Convention of 1787**. The convention was called to address the perceived shortcomings of the **Articles of Confederation**, the nation's first governing document. The drafting and ratification of the Constitution was a

complicated process shaped by many historical, political, economic, and philosophical ideas.

One of the main concerns at the convention was the need for a stronger central government. Under the Articles of Confederation, the national government couldn't levy taxes, regulate trade, or enforce laws, weaknesses that led to fiscal problems, fights between states, and an inability to handle crises such as Shays's Rebellion in 1786. The framers of the Constitution sought to prevent the concentration of power in any single branch of government, which led to the establishment of three coequal branches—legislative, executive, and judicial—each with distinct responsibilities and the ability to check the powers of the others.

The issue of representation was a major point of contention during the Constitutional Convention. The **Virginia Plan** proposed representation based on state population, which was good for larger states. The **New Jersey Plan** proposed equal representation for all states, which was beneficial for smaller states. The **Great Compromise** offered the solution of a bicameral legislature: the House of Representatives with representation based on population and the Senate with equal representation for each state, balancing the interests of both large and small states. The Constitution gave Congress the power to regulate trade, establish a common currency, and create a standard system of weights and measures. It also prohibited states from imposing tariffs on each other, creating a larger integrated market. Furthermore, it mandated that each state must honor the judicial proceedings and acts of every other state.

The nation's **founders** were also influenced by their recent experience with monarchy and their desire to create a republican form of government. They sought to establish a system where power came from the people, with elected representatives serving for limited terms. At the same time, they were cautious about **direct democracy**, fearing it could lead to political instability or a tyranny of the majority.

Finally, the need for flexibility and adaptability was a key consideration. The founders knew they couldn't foresee all future problems and that the Constitution would need to adapt and evolve over time. They included an amendment process, allowing for changes to the document, and left certain parts of the document intentionally vague to allow for interpretation by future generations. This flexibility has allowed the Constitution to remain relevant for over two centuries, adapting to dramatic changes in society, technology, and global affairs.

FEDERALISM

Federalism is a system of government that divides power between a central national government and subnational or regional governments, such as states, to balance national unity and state rights. This system allows states to exercise a moderate level of independence, resulting in a dynamic, though sometimes tense relationship between different levels of government. The Constitution established the federalist system in the United States as a compromise between advocates for a strong central government and proponents of state sovereignty.

There are various types of federalism that allocate power and responsibilities in federal systems in different ways. **Dual federalism**, or the "layer cake" model of federalism, envisions a clear separation of powers between national and state governments, with each operating in its own sphere. This was the model early in the United States, but modern US federalism has developed into a more connected approach called **cooperative federalism**, or the "marble cake" model. This type of federalism reflects the complex realities of modern governing by emphasizing collaboration and shared responsibilities among levels of government. **Competitive federalism,** present to some degree in the United States, allows states to implement their own policies and compete for resources, which drives efficiency but can lead to inequality. The United States allocates power equally among states, but **asymmetric federalism** allocates different levels of independence or power to different states based on a country's diverse cultural, language, or economic needs.

The key principles of federalism create a framework for sharing power and fostering collaboration between different levels of authority. Federalism relies on a **division of powers**, by which specific roles and responsibilities are allotted to national and state governments. This division is written into the US Constitution and defines specific governmental roles and responsibilities. Another important tenet of federalism is **autonomy**, which allows each level of government to operate independently within its designated sphere of influence. However, federalism also recognizes the need for **shared rule**, where powers may be exercised cooperatively. To maintain this complex balance and resolve conflicts, federalist systems often use independent courts as an **umpire mechanism**. Courts help interpret the Constitution and settle disputes among the different branches of government. Together, these principles create a flexible yet structured system that aims to balance national unity with local autonomy, allowing for both centralized coordination and decentralized decision making.

Intergovernmental relations—the complex web of interactions and relationships among the different levels of government—include the many official and unofficial ways that governments work together, compete, and coordinate. These relationships happen both vertically (between national and state governments) and horizontally (among states). Effective governance and policy implementation requires cooperation and careful coordination across different levels of government. Fiscal policies, such as revenue sharing, are one of the primary ways governments interact, but interactions also include legal agreements between governments, efforts by states to influence national decisions, and occasional disputes over legal jurisdiction. These relationships are always changing and are influenced by a variety of political, economic, and social factors.

SEPARATION OF POWERS

The **separation of powers** is a fundamental concept in modern democratic government, designed to prevent the concentration of authority in any single branch of government. In the United States, government power is divided between the **legislative**, **executive**, and **judicial** branches of the government. Each branch has specific jobs and powers, creating a system of checks and balances that prevents any one branch from becoming too powerful.

Legislative Branch

The system of checks and balances is present within the **legislative branch** of the US federal government as well, with power divided in two chambers of **Congress**—the **Senate** and the **House of Representatives**. The bicameral Congress plays a crucial role in American governance, creating, debating, and passing federal laws. Members of Congress bring new ideas for laws, hold committee meetings, discuss proposed **bills** on the floor, and vote to pass bills into law. Congress, whose roles and powers are defined in Article I of the Constitution, has significant fiscal power: it can levy taxes, borrow money on behalf of the United States, regulate trade, and allocate funding for various government jobs and programs. Additionally, Congress has the power to declare war, raise and support the US armed forces, and oversee the **executive branch** through various means, including confirming presidential appointments and conducting investigations. The Senate has special powers in foreign matters, including the power to approve treaties and confirm diplomatic appointments. Congress also

plays a big part in the system of checks and balances among branches of government, with the power to override presidential **vetoes**, impeach federal officials, and propose amendments to the Constitution.

The legislative branch represents the American people, with members of Congress acting as a link between their voters (known as **constituents**) and the federal government. Elected members of Congress are tasked with fighting for local interests and providing various services to their states. This multifaceted role makes the legislative branch a key part of American democracy, balancing the powers of the executive and judicial branches while directly representing the will of the people.

Executive Branch

The executive branch, led by the president of the United States, serves as the primary administrative and enforcement branch of the federal government. As described in Article II of the US Constitution, the president's core responsibilities include carrying out the laws of the land, acting as the commander in chief of the armed forces, and managing foreign policy. The president can sign into law or veto bills passed by Congress, nominate federal judges and **Supreme Court** justices, and appoint heads of federal agencies and departments. The executive branch puts into action and enforces the laws passed by Congress, and this work is carried out by various federal agencies and departments. These groups develop regulations, enforce compliance, and manage government operations across a wide spectrum of national agencies and programs tasked with duties ranging from protecting the environment to ensuring national security.

Beyond these official powers, the executive branch plays a significant role in shaping national policy and public discourse. As the leader of both the nation and their own political party, the president has the power to determine the national **agenda**, propose legislation to Congress, and rally public support for specific national initiatives. The president also acts as the nation's top diplomat, negotiating treaties, handling international relations, and representing the United States around the world. The executive branch often takes the lead in coordinating national responses to natural disasters, economic crises, or security threats.

The power of the executive branch has expanded over time, especially in matters of national security and foreign policy, leading to ongoing debates about the proper balance of power between the branches of government. There is also increasing debate over **executive orders** and how much power

presidents or governors can or should have without input or oversight from the legislative branch, particularly since recent presidents have relied on executive orders to circumvent typical checks on their power. Despite these expansions, the executive branch is nonetheless limited by the system of checks and balances, with its actions subject to congressional oversight and **judicial review**.

Judicial Branch

The US government's **judicial branch**, established by Article III of the Constitution, interprets the law and arbitrates legal disputes. The Supreme Court, followed by the lower federal courts set up by Congress, applies the law to specific cases, making sure that the actions of the other branches of government follow the Constitution and federal laws and properly protect the rights of individuals. Through the power of judicial review, established in the landmark case *Marbury v. Madison* (1803), the courts have the authority to declare laws or executive actions unconstitutional, thus serving as a crucial check on the legislative and executive branches.

Beyond its role in constitutional interpretation, the judicial branch has several other important functions. Federal courts resolve arguments between states, between citizens of different states, and between the federal government and states or citizens. They also hear cases involving federal laws, treaties, and the Constitution. The judiciary is vital to protecting the individual rights and freedoms protected by the Constitution, especially through its interpretation of the **Bill of Rights**. Federal courts often hear cases that deal with complex social issues, and their decisions often effectively create policy when legislation is absent or unclear. While these courts usually follow past decisions, providing stability and predictability in the legal system, they can also overturn previous decisions when needed and thus allow the law to evolve with societal changes. This careful balance between stability and adaptability makes the judicial branch a dynamic and influential part of the government system in the United States.

The three branches of government must often work together to efficiently establish new legislation. Despite their inherent separation, they have developed specific methods to allow for the delegation of responsibilities. One is called **delegated authority**, through which one branch can transfer certain responsibilities to another. For example, Congress can draft broad

legislation and allow the executive branch to determine how to implement it. These situations are common, and they can expedite (or slow down) the development of new laws.

CHECKS AND BALANCES

The system of checks and balances is fundamental to the US government and is designed to stop any one branch from having too much power and possibly becoming a dictatorship. This system, written into the Constitution, divides power among the three branches of government and, in theory, gives each branch ways of **checking** (i.e., limiting or holding accountable) the powers of the others.

In practice, the system of checks and balances works through a complex web of interactions among the branches. For example, Congress can make laws, but the president can veto them. However, Congress can overrule this veto with a **two-thirds majority** in both houses. Similarly, the president chooses Supreme Court justices and other federal judges, but the Senate must approve these appointments. The judiciary, for its part, can declare laws passed by Congress and actions taken by the president unconstitutional through the power of judicial review.

Legislative Branch

The legislative branch of the US government (Congress) has substantial power to check the other branches. One primary way of checking actions of the executive branch is through its control over the federal budget. Congress has the "**power of the purse**," meaning it can approve, change, or reject the president's budget ideas and control funding for executive agencies and programs. This fiscal power allows Congress to influence how policies are carried out and limit executive actions. Congress also has oversight power to investigate executive branch activities through committee hearings, orders to appear, and special investigations. The Senate checks executive power through its role in approving presidential appointments, including cabinet members, federal judges, and Supreme Court justices.

Congress also has the power to check both the executive and judicial branches through legislation—it can pass laws that explain, change, or even undo executive orders or judicial decisions as long as those laws follow the Constitution. In extreme cases, Congress can start **impeachment** proceedings against the president, vice president, and other government

officials, including federal judges. Congress can also propose **constitutional amendments** that, if approved, can greatly change the balance of power between branches. This power allows the legislative branch to make systemic changes to governmental structure and function. Through these mechanisms, Congress plays a crucial role in maintaining the balance of power within the federal government.

Executive Branch

The executive branch, led by the president, employs various means within the system of checks and balances to influence and limit the other branches of government. One of the most powerful tools of the executive branch is the veto, which allows the president to reject laws passed by Congress. Congress can overrule vetoes but must get a two-thirds majority in both houses to do so. Consequently, even the threat of a veto can shape how bills are negotiated and the ultimate legislative content of laws.

Vetoes can take several forms, shaped by their scope or approach. For example, **pocket vetoes** occur when a bill is left unsigned until it cannot reasonably be addressed within the current legislative period. **Line-item vetoes** reject only certain elements of a piece of legislation, though a notable judicial check on this executive power has limited its use since *Clinton v. City of New York* (1996). Additionally, the president has the power to issue **executive orders**, which can set policy in areas where Congress has not acted or interpret how laws should be enforced. While these orders can be challenged in court or overturned by new laws, they allow the executive to act quickly and decisively in certain areas.

The president also exercises significant influence over the judiciary through the power of appointment. By choosing federal judges and Supreme Court justices—which the Senate must approve—the executive branch can shape the ideological makeup of the courts for many years. This power of appointment also extends to the selection of heads of executive agencies and departments, allowing the president to influence how laws are understood and enforced across many policy areas. In foreign affairs, the president has a lot of freedom as the nation's top diplomat in negotiating treaties and executive agreements, although significant international treaties require Senate approval. The president's role as commander in chief of the armed forces also provides a check on congressional war powers, as the executive branch controls military operations and can respond to immediate threats.

Judicial Branch

The judicial branch, primarily through the Supreme Court, plays a crucial role in the system of checks and balances within the US government. Through judicial review, the Court can deem acts of Congress, executive orders, and state laws unconstitutional, effectively nullifying them. The judiciary uses this mechanism to check both the legislative and executive branches, making sure all actions conform to the Constitution. The Court also interprets laws passed by Congress, which can sometimes lead to results that lawmakers didn't anticipate. This power of interpretation gives the judiciary significant influence over how laws are applied and enforced.

Solving disputes between the other two branches is another way the judicial branch applies checks. The Court can adjudicate conflicts between the executive and legislative branches over the scope of their respective powers, such as in cases involving executive privilege or the limits of congressional oversight. The judiciary also helps protect individual rights against government overreach, often deciding cases that pit citizens' rights against government actions.

While the judicial branch cannot enforce its decisions, its rulings are generally respected and carried out by the other branches, which strengthens its authority. However, the judiciary's power is not unlimited; its effectiveness depends on the other branches' willingness to follow its rulings, and Congress has the power to limit federal court jurisdiction in certain areas. The process of appointing federal judges, including Supreme Court justices, also serves as a check on the judiciary itself, as it requires cooperation between the executive and the legislative branches.

Generally, the system of checks and balances has worked well for the United States, but it's not without its problems. During a national crisis or times when one party controls multiple branches of government, these checks may not be as effective. Moreover, the system sometimes leads to political gridlock, especially in times of strong ideological disagreement. Regardless, the principle of checks and balances remains a vital protection against the concentration of power in one branch of government and is a key feature of American democracy. It ensures that major policy decisions are supported by some degree of consensus or compromise across branches, promoting stability and protecting against sudden, dramatic shifts in governance.

MAJORITY RULE

Majority rule means that decisions are based on what more than half of the people in a decision-making process want. In US politics and government, this idea is used in many ways, from legislative votes to election results. But how majority rule is used in the United States is not simple, and it must often be balanced against other considerations.

In the legislative branch, the power of majority rule is most evident when bills are passed. In both the House of Representatives and the Senate, laws usually need a simple majority to pass; if more than half of the members in attendance vote in favor, the bill goes forward. Notably, there are times when this rule doesn't apply. In the Senate, for example, many actions can be stopped by a **filibuster** (a prolonged speech intended to delay a vote), which can only be stopped by **cloture** (which requires 60 votes). This has often allowed a smaller group to stop the larger group; these situations lead to ongoing conversations about balancing majority rule and **minority rights**.

At the state and local levels, majority rule often works more directly. Many elections at these levels are decided by a simple majority vote. In states that allow for **ballot initiatives** and **referendums**, people can directly vote on laws or changes to the Constitution, with results usually decided by majority vote. But even in these situations, there are often ways to protect minority interests or to require more than a majority for certain kinds of decisions, especially for decisions about raising taxes or changing the Constitution.

The system of checks and balances can limit the power of a simple majority. The bicameral structure of Congress, the president's power to veto laws, and the Court's power of judicial review all act as possible counterweights to majority rule. Even the composition of the Senate can balance the power of the majority since all states, regardless of size, are allotted two senators (unlike in the House of Representatives, where the number of representatives from a given state reflects its relative population).

MINORITY RIGHTS

A key part of the United States' democratic system is the protection of minority rights—the interests, freedoms, and well-being of smaller groups—from possible oppression by the majority. This idea is deeply rooted in the country's founding documents, especially the Bill of Rights,

and has evolved over time through laws, court decisions, and amendments to the Constitution. From the outset, the founders recognized that absolute rule by the majority can lead to a larger group infringing upon the basic rights of smaller groups or individuals, and the Constitution was designed to protect against that possibility. The 1st Amendment's promises of free speech, religion, and assembly addressed these rights and were especially important for minority groups to be able share their views and maintain their identities. The Constitution's malleability also helps lawmakers address evolving issues regarding minority rights; for example, the 14th Amendment was key to expanding minority rights in the United States by eliminating the **Three-Fifths Compromise** in Article I of the Constitution.

Civil rights laws have played a big role in improving minority rights in the United States. The **Civil Rights Act of 1964**, the **Voting Rights Act of 1965**, and the **Fair Housing Act of 1968** sought to end discrimination based on race, color, religion, sex, and national origin. These laws not only stopped discrimination in many parts of public life but also offered ways to enforce protection of these rights, greatly expanding the protection of minorities. The judicial branch, especially the Supreme Court, has been very important in explaining and expanding minority rights. Significant decisions like *Brown v. Board of Education* (1954), which declared racial segregation in public schools unconstitutional, and *Obergefell v. Hodges* (2015), which legalized same-sex marriage nationwide, have had huge effects on improving the rights of minority groups. The courts have often acted as a balancing force, protecting minority rights even when that means going against the will of the majority. Nonetheless, minority rights remain a continuous topic of ongoing debates, especially when their scope or protection clashes with other rights or what the majority wants. Issues like affirmative action, religious exceptions, and language rights continue to be topics of legal and political debate.

The protection of minority rights also covers political minorities. The structure of government, including the equal representation of states in the Senate and the Electoral College, was partly designed to prevent the majority from having too much power and to make sure that states with smaller populations have a say in national decisions. However, these same structures have been criticized for possibly giving undue power to certain minority groups or for emphasizing the desires of constituents from less populous states over those from more populous states. Managing the complex balance between protecting minority rights and ensuring majority representation is a perpetual component of American democracy.

THEORIES OF DEMOCRACY

The concept of democracy in the United States is multifaceted, encompassing different theories that have shaped the nation's political system. These different ideas both coexist and compete within the US political system, causing tension that adds to ongoing debates about representation, participation, and the appropriate role of government in American society. Understanding these ideas helps illuminate the complexities of US democracy and the different views shaping its ongoing evolution.

Popular sovereignty is one of the foundational concepts in American democracy and means that the people have the final say in political matters. This idea underpins many of the democratic theories that have influenced US governance.

Representative democracy is the primary model used in the United States. In this system, people choose others to make decisions on their behalf instead of individually participating in every political decision. The structure of Congress, state lawmaking groups, and local councils demonstrate this practical way of running a large, diverse nation, which allows faster decision making and maintains a link between the people and their government.

Direct democracy, while not the dominant model, plays a part in US politics, especially at the state and local levels. In this model, people take part directly in political decisions through things like ballot measures, public votes, and elections to remove officials.

Pluralism views democracy as a contest among different **interest groups**. According to pluralist thinking, the goals of competing interests, with government mediation, should drive policy decisions. This idea explains why **lobbying** and interest group politics are so prevalent in the United States.

Elite theory suggests that democracy, in practice, is often controlled by a small, powerful few rather than the populace and that while democratic institutions exist, real power is held by a political, economic, and military elite. Critics often point to the influence of rich donors and powerful corporations in politics as proof of this in the United States.

Participatory democracy emphasizes the importance of civic participation beyond just voting, and advocates want more opportunities for people to join in political processes, from town meetings to participatory budgeting. Aspects of participatory democracy can be seen in local government practices and in calls for more civic involvement.

Deliberative democracy relies on open, reasoned discussion in decision making. Proponents argue that good lawmaking comes from public debate among citizens. While the large scale of US politics often makes this difficult to implement, the idea has shaped practices like public hearings, debates, and the civic education of citizens.

Social democracy is common in European political systems but has shaped some parts of US politics. A social democracy includes a mixed economy and a strong welfare state. Some components of this can be seen in US programs like Social Security and Medicare and in ongoing talks about the government's role in providing social services.

CONCLUSION

Democracy in the United States is a complex and changing system designed to balance different competing interests and principles. The concepts of federalism, separation of powers, checks and balances, majority rule, and minority rights work together to create a way of governing that considers the will of the people and protects individual freedoms. The founders carefully considered these principles and created a resilient system that has adapted to significant changes for more than two centuries while maintaining its core democratic values.

However, the American democratic system is subject to frequent challenges and sparks ongoing debates about the interpretation of the Constitution and the roles of each branch of government. The push and pull between majority rule and minority rights, the balance of power between federal and state governments, and the effectiveness of checks and balances in an increasingly complex political world continue to be topics of heated discussion and possible reform. As the nation grows and evolves, so must its understanding and application of these foundational concepts.

READINESS CHECK: CONSTITUTIONAL UNDERPINNINGS OF AMERICAN DEMOCRACY

To check how well you understand the concepts covered in this chapter, review the following questions. If you have trouble answering any of them, consider reading through this chapter again and reviewing the key terms before moving on to the next chapter.

- How do the principles of federalism and separation of powers appear in the US Constitution?
  - How do these concepts work together to create a system of checks and balances, and what challenges do they present in modern governance?
  - How have these principles been applied or tested in recent years?
- How does the tension between majority rule and minority rights play out in the American democratic system?
  - How does the Constitution attempt to balance these competing interests, and to what extent has this balance been successful?
  - What are two specific examples from US history or current events that illustrate the challenges of maintaining this balance?
- How do these key concepts apply within the various functions of the US governmental system?
  - Federalism
  - Division of powers
  - Autonomy
  - Shared rule
  - Umpire mechanism
  - Intergovernmental relations
  - Dual federalism
  - Cooperative federalism
  - Competitive federalism
  - Asymmetric federalism
  - Separation of powers
  - Checks and balances
  - Pocket veto
  - Line-item veto
  - Legislative branch
  - Executive branch
  - Judicial branch
  - Judicial review
  - Majority rule

- Minority rights
- Virginia Plan
- New Jersey Plan
- Great Compromise
- Popular sovereignty
- Representative democracy
- Direct democracy
- Pluralism
- Elite theory
- Participatory democracy
- Deliberative democracy
- Social democracy

TEST YOURSELF: CONSTITUTIONAL UNDERPINNINGS OF AMERICAN DEMOCRACY

1. Which of the following is NOT a key principle of federalism?

   A. Division of powers
   B. Autonomy
   C. Shared rule
   D. Centralized authority
   E. Distributed power

2. Which branch of the US government has the power of judicial review?

   A. Legislative
   B. Executive
   C. Judicial
   D. All branches equally
   E. No branch entirely

3. Which theory of democracy suggests that policy outcomes result from open and reasoned discussion?

   A. Representative democracy
   B. Direct democracy
   C. Pluralism
   D. Elite theory
   E. Deliberative democracy

4. The primary reason for calling the Constitutional Convention of 1787 was to

   A. declare independence from Britain
   B. address the shortcomings of the Articles of Confederation
   C. establish the Bill of Rights
   D. create the Electoral College
   E. put forth several amendments to the Constitution

5. Which of the following is NOT a mechanism of checks and balances?

   A. Presidential veto of legislation
   B. Judicial review of laws and executive actions
   C. Congressional approval of the federal budget
   D. Direct election of Supreme Court justices by citizens
   E. Congressional confirmation of Supreme Court justices

Answer Key and Explanations

1. D	2. C	3. C	4. B	5. D

1. **The correct answer is D.** Centralized authority is contrary to the concept of federalism, which emphasizes the distribution of power between central and state governments. The key principles of federalism include division of powers (choice A), autonomy (choice B), shared rule (choice C), and distributed power (choice E).

2. **The correct answer is C.** The judicial branch, primarily through the Supreme Court, has the power of judicial review. This power, established in *Marbury v. Madison*, allows the courts to declare laws or executive actions unconstitutional. The legislative (choice A) and executive (choice B) branches do not possess this power, and it is not shared (choice D). Choice E can be eliminated because it omits the judicial branch's power in this matter.

3. **The correct answer is C.** Deliberative democracy holds that open and reasoned discussion leads to effective decision making. Representative and direct democracy (choices A and B) specify which groups make decisions, either elected representatives or the people themselves, rather than the process through which those decisions are made. Pluralism (choice C) argues in favor of diversity within a political body. Elite theory (choice D) posits that a small collection of people who hold the most political and economical powers have the most influence over policy decisions.

4. **The correct answer is B.** The Constitutional Convention of 1787 was called in response to the perceived shortcomings of the Articles of Confederation, the nation's first governing document. The other options, while important in American history, were not the primary reasons for calling this specific convention. The Declaration of Independence (choice A) occurred earlier, in 1776. The Bill of Rights (choice C) was added after the Constitution was ratified, and the Electoral College (choice D) was one of the outcomes of the Convention, not its primary purpose. Constitutional amendments (choice E) did not come until later.

5. **The correct answer is D.** Direct election of Supreme Court justices by citizens is not a feature of the US system. Supreme Court justices are nominated by the president and confirmed by the Senate (choice E), which is itself a form of checks and balances.

Chapter 9

Significant Supreme Court Cases

OVERVIEW

- Landmark Supreme Court Cases
- Readiness Check: Significant Supreme Court Cases
- Test Yourself: Significant Supreme Court Cases

The **Supreme Court** of the United States has played a pivotal role in shaping American law and society, navigating complex legal and social topics and often making decisions that have profoundly changed the nation's legal landscape and cultural norms. From exercising its power to strike down unconstitutional laws to addressing presidential authority, the Court consistently interprets the Constitution and its application to a wide range of issues, including racial **segregation**, rights of the accused, **reproductive rights**, and the rights of the LGBTQ+ community. The **case law** developed through the Court's long history of judicial interpretation has established precedence for future legal decisions and shaped the legal landscape of the United States.

While each of the chapters in this book refers to significant supreme court cases, this chapter brings together the landmark cases in one place. The list of cases is by no means exhaustive but provides an easy way to compare legal decisions and broadly track the evolution of constitutional law over time. A case is generally deemed a landmark if it sets a new precedent in constitutional law or defines aspects of the Constitution in a new way.

LANDMARK SUPREME COURT CASES

The foundation of **judicial review** itself was established in *Marbury v. Madison* (1803), a landmark decision in which Chief Justice John Marshall asserted the Supreme Court's power to strike down laws that violate

the Constitution. This case solidified the judicial as a coequal branch of government and the ultimate interpreter of the Constitution. Another important early case about legal power was *McCulloch v. Maryland* (1819), which broadly interpreted the **Necessary and Proper Clause**, expanding Congressional power and establishing the **doctrine of implied powers**.

Dred Scott v. Sandford (1857), in which the Court infamously held that Black Americans were not citizens and had no standing to sue in federal court, dramatically affected individual liberties. This decision was effectively overturned by the 14th Amendment and later cases like *Plessy v. Ferguson* (1896), which upheld racial segregation under the **"separate but equal" doctrine**. This doctrine was abandoned during the **civil rights movement** era in *Brown v. Board of Education* (1954), which declared racial segregation in public schools unconstitutional and paved the way for **desegregation**. *Gideon v. Wainwright* (1963) established the right to an attorney for criminal defendants who cannot afford one. *Miranda v. Arizona* (1966) required police to inform suspects of their rights before questioning. *Roe v. Wade* (1973) recognized a constitutional right to abortion, though this was later overturned in *Dobbs v. Jackson Women's Health Organization* (2022). Finally, *Obergefell v. Hodges* (2015) legalized same-sex marriage nationwide, broadening LGBTQ+ rights.

The Court has been crucial not only in shaping the **balance of power** between federal and state governments but in defining the limits of executive power as well. *United States v. Nixon* (1974) affirmed that **executive privilege** is not absolute, requiring President Nixon to turn over the Watergate tapes. Recent cases involving presidential powers, such as *Trump v. Mazars USA, LLP* (2020), have continued to refine the scope of executive authority and **congressional oversight**.

LANDMARK SUPREME COURT CASES

Marbury v. Madison (1803)	
Premise	Arose from a dispute over undelivered judicial commissions, establishing judicial review
Summary	In this decision, the Court asserted its authority as a coequal branch of government and ruled that it could declare laws to be unconstitutional. Fundamentally shaping the American legal system, this ruling gave the Supreme Court significant power in interpreting the Constitution and set a precedent for the Court's role in checking the other branches of government.

LANDMARK SUPREME COURT CASES (*CONTINUED*)

McCulloch v. Maryland (1819)	
Premise	Challenged Maryland's attempt to tax a federal bank, addressing the scope of federal power
Summary	This ruling affirmed Congress's authority to establish a national bank and prohibited states from taxing federal institutions. With its broad interpretation of the Necessary and Proper Clause, this Court decision expanded federal authority relative to the states and established the doctrine of implied powers.

Gibbons v. Ogden (1824)	
Premise	Involved a dispute over steamboat licensing between federal and state authorities
Summary	In striking down a New York law granting a steamboat monopoly, this Court decision broadly interpreted Congress's power to regulate **interstate commerce** and laid the foundation for expansive federal regulation of economic activities.

Dred Scott v. Sandford (1857)	
Premise	Involved an enslaved person suing for their freedom after living in free territory
Summary	The Court ruled that Black Americans, whether free or enslaved, were not US citizens and had no standing to sue in federal court. This infamous decision also declared the **Missouri Compromise** unconstitutional, further inflaming sectional tensions, and significantly contributed to the outbreak of the US **Civil War**.

Plessy v. Ferguson (1896)	
Premise	Challenged a Louisiana law requiring separate railway cars for white and Black passengers
Summary	The Court upheld the constitutionality of racial segregation under the "separate but equal" doctrine in this decision, which legitimized Jim Crow laws and state-mandated segregation. This ruling remained the law of the land for nearly 60 years until it was overturned by *Brown v. Board of Education* (1954).

(*continues*)

LANDMARK SUPREME COURT CASES (*CONTINUED*)

Gitlow v. New York (1925)	
Premise	Arose from Benjamin Gitlow's conviction under a New York criminal anarchy law for distributing socialist literature
Summary	While upholding Gitlow's conviction, the Court interpreted the 1st Amendment's free speech protections to apply to state governments through the 14th Amendment. This decision was crucial in expanding civil liberties.

Korematsu v. United States (1944)	
Premise	Challenged the conviction of Fred Korematsu for refusing to report to a Japanese American **internment** camp during World War II
Summary	This ruling determined that **Executive Order 9066**, which authorized the internment due to military necessity and national security, was constitutional. This decision is now considered one of the Court's greatest failures and a warning about the dangers of limiting civil liberties during wartime.

Brown v. Board of Education (1954)	
Premise	This case combined several challenges to school segregation from different states
Summary	Declaring racial segregation in public schools unconstitutional, the Court unanimously overturned *Plessy v. Ferguson* in this landmark civil rights decision that paved the way for desegregation and challenged the entire system of Jim Crow laws.

Mapp v. Ohio (1961)	
Premise	Arose from police forcibly entering a home without a valid search warrant
Summary	By requiring in its ruling that evidence obtained in violation of the 4th Amendment be excluded from criminal trials, the Court extended the **exclusionary rule** to state courts. This decision significantly impacted law enforcement practices and strengthened 4th Amendment protections.

LANDMARK SUPREME COURT CASES (*CONTINUED*)

Gideon v. Wainwright (1963)	
Premise	Involved Clarence Gideon, who was denied a court-appointed lawyer for a felony charge in Florida
Summary	In this unanimous decision, the Court ruled that states must provide attorneys to criminal defendants who cannot afford their own, as required by the 6th Amendment. This decision greatly expanded access to legal representation in state courts via the creation of public defender systems.

New York Times v. Sullivan (1964)	
Premise	Arose from a libel lawsuit against the *New York Times* over an advertisement criticizing Alabama officials
Summary	The **"actual malice" standard** for defamation of public officials was established in this decision, which significantly expanded press freedom and has been crucial in protecting journalists and promoting public debate on sociopolitical issues.

Griswold v. Connecticut (1965)	
Premise	Challenged a Connecticut law banning the use of contraceptives by married couples
Summary	Striking down the law as unconstitutional, the Court established a constitutional right to privacy when it found that various constitutional protections created an implied right to privacy. This case laid the groundwork for later rulings on reproductive rights, including *Roe v. Wade*.

Miranda v. Arizona (1966)	
Premise	Consolidated four cases involving custodial interrogations
Summary	In this landmark decision, the Court required police to inform suspects of their rights before being interrogated while in custody, including the right to remain silent and the right to an attorney. This ruling fundamentally changed police procedures and became a staple of American popular culture.

(*continues*)

LANDMARK SUPREME COURT CASES (*CONTINUED*)

Loving v. Virginia (1967)	
Premise	Challenged Virginia's attempt to indict Mildred Jeter (a Black woman) and Richard Loving (a white man) for violating a ban on interracial marriage after the couple, who had been legally wed in Washington, DC, moved to the state
Summary	The Court sided with Loving, establishing that any attempt to limit, prevent, or ban marriages based on racial classifications was a violation of the 14th Amendment's Equal Protection and Due Process Clauses.

Tinker v. Des Moines (1969)	
Premise	Arose when a group of Des Moines public junior high school students challenged a suspension they received for wearing black armbands to school to silently protest the Vietnam War, asserting that the punishment violated their 1st Amendment free speech rights
Summary	The Court ruled that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," thereby establishing a new precedent that students' constitutional rights are protected even when at school. The case was the first in a series of new post-*Brown* precedents related to students' rights (see Students' Rights on page 149).

Roe v. Wade (1973)	
Premise	Challenged Texas laws criminalizing abortion, establishing a constitutional right to abortion
Summary	To balance state interests and individual rights, the Court created a trimester framework for regulating abortion. This landmark decision became a cornerstone of the reproductive rights body of law and a point of contention in American politics for nearly 50 years until overturned by *Dobbs v. Jackson Women's Health Organization* (2022).

United States v. Nixon (1974)	
Premise	Addressed President Nixon's claim of executive privilege in refusing to turn over the Watergate tapes
Summary	The Court rejected absolute executive privilege, requiring Nixon to comply with the special prosecutor's subpoena. This decision affirmed that executive privilege must yield to the needs of the **criminal justice system**.

LANDMARK SUPREME COURT CASES (*CONTINUED*)

Regents of the University of California v. Bakke (1978)	
Premise	Challenged the U.C. Davis Medical School's **affirmative action** program
Summary	In a fractured decision, the Court ruled that race could be considered as a factor in university admissions but prohibited racial quotas. This ruling upheld affirmative action in principle while striking down rigid quota systems, and it shaped the debate on affirmative action in higher education for decades.

Planned Parenthood v. Casey (1992)	
Premise	Reviewed Pennsylvania's abortion regulations, including a 24-hour waiting period and parental consent for minors
Summary	While the Court upheld the central holding of *Roe v. Wade*, its ruling allowed some new restrictions on abortion. It introduced the **"undue burden" standard** for evaluating abortion regulations, replacing *Roe*'s trimester framework. This decision reaffirmed the constitutional right to abortion while giving states more power to regulate the procedure.

Bush v. Gore (2000)	
Premise	Addressed whether Florida's recount procedures in the 2000 presidential election violated the Equal Protection Clause
Summary	This controversial ruling halted the Florida recount, effectively deciding the election in favor of George W. Bush. It also highlighted the Court's role in electoral disputes and sparked debates about judicial intervention in elections.

Roper v. Simmons (2005)	
Premise	Addressed capital punishment for minors after Matthew Simmons was sentenced to death for a murder committed when he was 17
Summary	The case called for an update to a prior ruling in *Thompson v. Oklahoma* (1988) that had deemed capital punishment for those under the age of 15 a violation of the 8th Amendment's prohibition against "cruel and unusual punishment." The Court sided with Simmons and prohibited executing people for crimes they committed before reaching legal adulthood (age 18).

(*continues*)

LANDMARK SUPREME COURT CASES (*CONTINUED*)

Arizona v. United States (2012)	
Premise	Examined whether Arizona's S.B. 1070 immigration law was preempted by federal law
Summary	In this decision, the Court struck down several provisions of the law while upholding others and clarified the balance of federal and state authority in immigration enforcement. The ruling reaffirmed federal authority in enforcing immigration policy while allowing some state involvement.

Obergefell v. Hodges (2015)	
Premise	Consolidated challenges to same-sex marriage bans from multiple states
Summary	Legalizing same-sex marriage nationwide, this landmark decision established that the fundamental right to marry is guaranteed to same-sex couples by the Due Process and Equal Protection Clauses and marked a major expansion of LGBTQ+ rights in the United States.

Trump v. Mazars USA, LLP (2020)	
Premise	Addressed congressional subpoenas for President Trump's financial records held by his accounting firm and banks
Summary	While Congress has broad authority to issue subpoenas, the Court ruled that lower courts must keep separation of powers concerns in mind when assessing subpoenas for a president's personal information. This decision established a new four-factor test for evaluating congressional subpoenas of presidential information, striking a balance between congressional oversight and executive branch interests.

Dobbs v. Jackson Women's Health Organization (2022)	
Premise	Challenged a Mississippi law banning most abortions after 15 weeks of pregnancy, directly confronting the precedent set by *Roe v. Wade*
Summary	In upholding the Mississippi law, this decision overturned both *Roe v. Wade* and *Planned Parenthood v. Casey*, eliminating the federal constitutional right to abortion and returning the issue to individual states to regulate. This landmark decision drastically altered the landscape of reproductive rights in the United States.

STUDENTS' RIGHTS

In addition to *Tinker v. Des Moines* (1969), there have been numerous decisions addressing students' 1st Amendment rights. Regarding religious freedom, *Engel v. Vitale* (1962) held that school-initiated prayer violates a student's religious liberty, and *Santa Fe Independent School District v. Doe* (2000) expanded this ruling by making it unconstitutional for students to lead prayer using a school's loudspeaker system.

Many cases have addressed the tension between students' 1st Amendment rights and a school's duty to provide an environment suitable for education: *Bethel School District #43 v. Fraser* (1987) held that the right to free speech does not include a student's right to make obscene speeches in school settings and *Hazelwood v. Kuhlmeier* (1988) granted school administrators the right to edit the content of school newspapers.

Other landmark cases affecting students' rights include *Goss v. Lopez* (1975), which protected students' due process rights, *New Jersey v. T. L. O.* (1985), which limited students' right to privacy at school by permitting administrators to search a student's bag or locker, and *Board of Education of Independent School District #92 of Pottawatomie County v. Earls* (2002), which held that random drug testing of extracurricular activity participants does not violate the 4th Amendment's protection against unreasonable searches. Because of the unique role of schools and students' status as minors, the issue of students' rights remains a continuous topic of debate about constitutional law.

The CLEP American Government exam will not necessarily include questions on these individual cases related to student rights. However, it is good idea to be familiar with the basics of these cases to answer questions on how student rights have been negotiated in the Supreme Court over time and to eliminate these cases if they appear as distractors on multiple-choice questions.

READINESS CHECK: SIGNIFICANT SUPREME COURT CASES

To check how well you understand the concepts covered in this chapter, review the following questions. If you have trouble answering any of them, consider reading through this chapter again and reviewing the key terms before moving on to the next chapter.

Note: The format of these questions is designed to help you evaluate your understanding of the key cases referenced in this chapter and differs slightly from the format of Readiness Check questions in other chapters.

- Compare and contrast the Supreme Court's rulings in *Dred Scott v. Sandford* (1857), *Plessy v. Ferguson* (1896), and *Brown v. Board of Education* (1954) regarding changes to Black Americans' individual liberties. How did these decisions reflect changing societal attitudes and affect civil rights in the United States?
- Select and analyze three Supreme Court cases that demonstrate the Court's consistently crucial role in defining the balance of power between federal and state governmental authority throughout American history.
- Who were these figures, and what did they contribute to the legal history of the Supreme Court of the United States?
    - Dred Scott
    - Fred Korematsu
    - Richard Nixon
    - Clarence Gideon
    - George W. Bush
    - Donald Trump

TEST YOURSELF: SIGNIFICANT SUPREME COURT CASES

1. Which of the following Supreme Court cases established the power of judicial review?

   A. *McCulloch v. Maryland*
   B. *Marbury v. Madison*
   C. *Gibbons v. Ogden*
   D. *Dred Scott v. Sandford*
   E. *Goss v. Lopez*

2. In which of the following cases did the Supreme Court uphold the "separate but equal" doctrine?

   A. *Brown v. Board of Education*
   B. *Regents of the University of California v. Bakke*
   C. *Gideon v. Wainwright*
   D. *Miranda v. Arizona*
   E. *Plessy v. Ferguson*

3. Which of the following cases legalized same-sex marriage nationwide?

   A. *Obergefell v. Hodges*
   B. *Roe v. Wade*
   C. *Griswold v. Connecticut*
   D. *United States v. Nixon*
   E. *Arizona v. United States*

4. The requirement that law enforcement inform suspects of their rights before questioning was a result of

   A. *Mapp v. Ohio*
   B. *Gideon v. Wainwright*
   C. *Miranda v. Arizona*
   D. *New York Times v. Sullivan*
   E. *Griswold v. Connecticut*

5. Which of the following cases addressed the balance of federal and state authority in enforcing immigration laws?

   A. *Bush v. Gore*
   B. *Arizona v. United States*
   C. *Regents of the University of California v. Bakke*
   D. *Trump v. Mazars USA, LLP*
   E. *Mapp v. Ohio*

Answer Key and Explanations

1. B	2. E	3. A	4. C	5. B

1. **The correct answer is B.** The foundation of judicial review was established in *Marbury v. Madison*, in which Chief Justice John Marshall asserted the Supreme Court's power to strike down laws that violate the Constitution.

2. **The correct answer is E.** *Plessy v. Ferguson* upheld racial segregation under the "separate but equal" doctrine. *Brown v. Board of Education* (choice A) overturned *Plessy v. Ferguson*, rejecting the "separate but equal" doctrine rather than upholding it. None of the other answers concern the "separate but equal" doctrine.

3. **The correct answer is A.** *Obergefell v. Hodges* legalized same-sex marriage throughout the United States. The Court ruled that the fundamental right to marry is guaranteed to same-sex couples under the Equal Protection Clause of the 14th Amendment.

4. **The correct answer is C.** The landmark *Miranda v. Arizona* case established that police officers must inform suspects of their rights—now known as "Miranda rights"—before being questioned as part of a criminal investigation. These rights include the right to remain silent and the right to an attorney. Police must also inform suspects that anything they say can be used against them in court.

5. **The correct answer is B.** In *Arizona v. United States*, the Supreme Court directly addressed the balance of federal and state authority in the enforcement of immigration law. The Court struck down several provisions of the law to reaffirm that immigration enforcement is primarily a federal responsibility while allowing some limited state involvement.

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Chapter 10

Practice Test

OVERVIEW

- Practice Test
- Answer Key and Explanations

An answer sheet for this test can be found on page 187.

PRACTICE TEST

This practice test and the time allotted are half of the length of a full CLEP American Government exam.

50 Questions—45 Minutes

Directions: Each of the questions or incomplete statements below is followed by five suggested answers or completions. Select the one best answer for each. The Answer Key and Explanations will follow.

1. Which of the following is the primary function of the legislative branch?

A. To make laws
B. To enforce laws
C. To interpret laws
D. To appoint judges
E. To conduct foreign policy

2. The process of applying the Bill of Rights to the states over time using the 14th Amendment is known as

A. confirmation
B. selective incorporation
C. certiorari
D. voir dire
E. due process

3. Who warned against the dangers of factions in early American democracy?

A. Alexander Hamilton
B. Thomas Jefferson
C. James Madison
D. John Adams
E. George Washington

4. Which of the following best describes political socialization?

A. The process of running for political office
B. The way citizens learn about politics throughout their lives
C. The act of voting in elections
D. The study of political systems
E. The process of forming political parties

5. An environment in which people are exposed only to views that align with their existing beliefs is called

A. a filibuster
B. grassroots organization
C. an echo chamber
D. an interest group
E. agenda setting

6. Which of the following is a primary purpose of the Electoral College in US elections?

A. To count the popular vote
B. To elect members of Congress
C. To draft new amendments to the Constitution
D. To approve Supreme Court nominations
E. To select the president indirectly, balancing state and popular interests

7. Which of the following is NOT an executive branch duty?

A. Enforcing laws
B. Supervising federal agencies
C. Choosing Supreme Court nominees
D. Overseeing federal elections
E. Conducting diplomacy

8. The Supreme Court's ability to determine if laws are constitutional is known as

A. jus soli
B. constitutionalism
C. judicial review
D. federalism
E. stare decisis

9. Which of the following best describes the "bully pulpit"?

A. The president's ability to shape public opinion through visibility and respect of the office
B. A formal power of the president to address Congress
C. A constitutional provision allowing the president to overrule Congress
D. The podium from which the president delivers the State of the Union address
E. The president's power to intimidate political opponents

10. What is substantive due process?

A. The right to a fair trial
B. The principle that protects certain fundamental rights from government interference
C. The process of applying the Bill of Rights to the states
D. The right to equal protection under the law
E. The principle that allows for judicial review

11. Which constitutional amendment ended slavery?

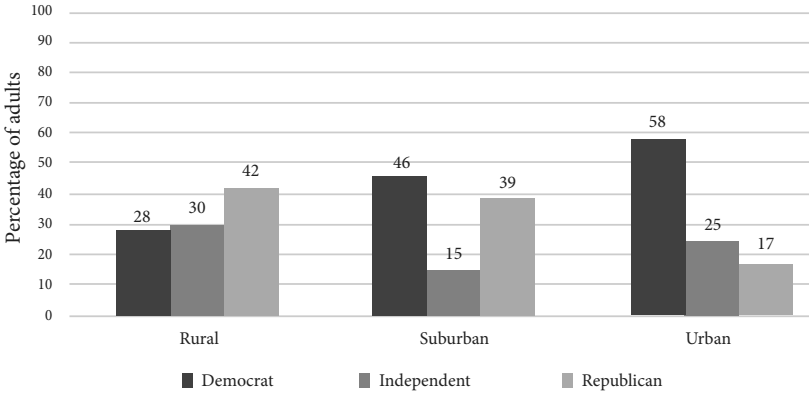
A. 13th Amendment
B. 14th Amendment
C. 15th Amendment
D. 16th Amendment
E. 17th Amendment

12. The rise of political machines and party bosses brought about which period in American history?

A. Reconstruction
B. The civil rights movement
C. The Progressive Era
D. The era of good feelings
E. The Industrial Revolution

13. The main impact of the Compromise of 1877 was that it

A. started the Civil War
B. established the Missouri Compromise line
C. abolished slavery
D. gave women the right to vote
E. ended Reconstruction



Source: UChicago Harris/APNORC poll conducted January 16–20, 2019; reported in AP-NORC, "How the Urban/Rural Political Divide Plays Out in America's Suburbs," February 2019, https://apnorc.org/projects/how-the-urban-rural-political-divide-plays-out-in-americas-suburbs/.

14. The graph above best reflects which feature of the contemporary American political landscape?

A. Differences in population density between cities and countryside
B. Gaps in internet access between urban and rural areas
C. Cultural and political differences between urban and rural populations
D. Effects of suburbanization on economic disparity
E. Differences in agricultural production between urban and rural regions

15. Which of the following terms describes a situation in which the president rejects only certain elements of a piece of legislation?

A. Executive order
B. Delegated authority
C. Veto
D. Pocket veto
E. Line-item veto

16. Which of the following best describes the principle of popular sovereignty?

A. The most popular person should rule.
B. Sovereignty belongs to the states, not the federal government.
C. The Supreme Court has final say in all matters.
D. Ultimate political authority rests with the people.
E. The president is the most powerful figure in government.

17. What is the primary purpose of the Bill of Rights?

A. To establish the structure of the federal government
B. To protect individual liberties from government infringement
C. To outline the process for amending the Constitution
D. To define the powers of the president
E. To establish the tax system

18. The phrase "checks and balances" is used to describe a

A. network of financial audits
B. means to balance the federal budget
C. multibranch system where each branch can limit the powers of the others
D. method of checking voter registration
E. philosophy of balancing state and federal powers

Question 19 refers to the following passage.

> Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."
>
> —*The Federalist* No. 51 (James Madison and Alexander Hamilton)

19. The passage above justifies which of the following elements of American democracy?

A. The Electoral College
B. Appellate courts
C. Checks and balances
D. Formal powers
E. Declaration of war

20. Federalism describes a system in which

A. all power is held by the federal government
B. all power is held by state governments
C. power is shared between federal and state governments
D. the president has absolute power
E. the Supreme Court has absolute power

21. Executive orders allow the president to do which of the following?

A. Override Supreme Court decisions
B. Create new laws without congressional approval
C. Impeach federal officials
D. Declare war
E. Direct federal agencies in interpreting and implementing existing laws

22. The power of judicial review was established by

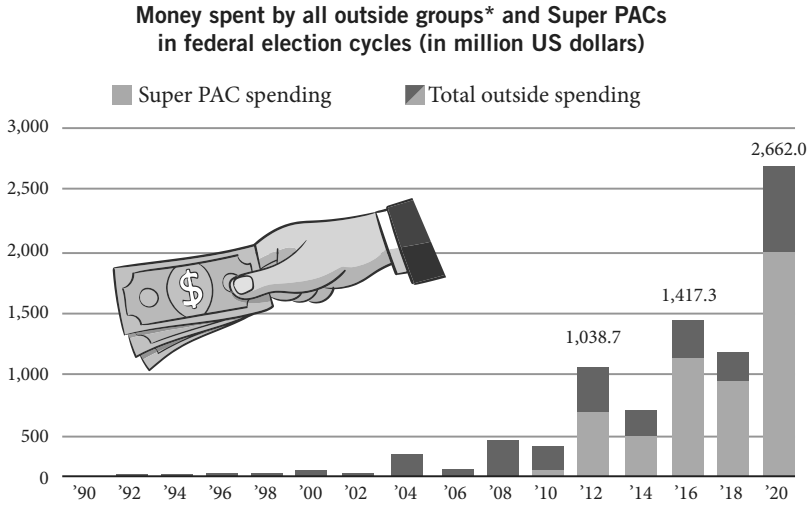
A. *Marbury v. Madison*
B. *Dred Scott v. Sandford*
C. *Plessy v. Ferguson*
D. *Brown v. Board of Education*
E. *Roe v. Wade*

23. What does the Equal Protection Clause of the 14th Amendment require?

A. Equal representation in Congress for all states
B. Equal pay for equal work
C. Equal treatment under the law for similarly situated individuals
D. Equal voting rights for all citizens
E. Equal educational opportunities for all students

24. The Supreme Court decision that protected interracial marriage based on the 14th Amendment's Equal Protection Clause was

A. *Tinker v. Des Moines*
B. *Miranda v. Arizona*
C. *Obergefell v. Hodges*
D. *United States v. Virginia*
E. *Loving v. Virginia*



*Excluding party committees

Source: Katharina Buchholz, "Outside Spending Takes a Leap Up in 2020 Election Cycle," December 3, 2020, https://www.statista.com/chart/17036/outside-spending-super-pac-spending-in-us-elections/.

25. The graph above reflects the impact of which Supreme Court decision?

A. *Citizens United v. FEC*
B. *Roe v. Wade*
C. *Brown v. Board of Education*
D. *Hazelwood v. Kuhlmeier*
E. *Plessy v. Ferguson*

26. An amicus curiae brief is a

A. summary of a Supreme Court decision
B. request for the Supreme Court to hear a case
C. brief filed by a "friend of the court" to offer information on a case
D. dissenting opinion in a Supreme Court case
E. brief explaining why a justice has recused themselves from a case

27. In the US Supreme Court, *certiorari* describes the

A. formal process of swearing in new justices
B. Court's power to choose which cases it will hear
C. process of issuing a final ruling
D. method of appointing new justices
E. procedure for impeaching a justice

28. Which of the following is NOT a duty assigned to the attorney general?

A. Overseeing the Department of Justice
B. Serving as the federal government's chief law enforcement officer
C. Representing the United States in legal matters
D. Maintaining diplomatic relations with international organizations
E. Appearing before the Supreme Court as needed

29. Which Supreme Court case established the good faith exception to the exclusionary rule?

A. *Mapp v. Ohio*
B. *Gideon v. Wainwright*
C. *Miranda v. Arizona*
D. *United States v. Leon*
E. *Terry v. Ohio*

30. Which of the following was a primary goal of the New Deal?

A. End the Great Depression and reform the economy
B. Prepare the United States for World War II
C. Promote civil rights for Black Americans
D. Expand US territories
E. Reduce the size of the federal government

31. The United Farm Workers of America, Sierra Club, the Women's Campaign Fund, and the American Civil Liberties Union are all examples of

A. interest groups
B. political parties
C. federal agencies
D. legislative committees
E. political institutions

32. Which of the following best describes identity politics?

A. The practice of voting for candidates based solely on their physical appearance
B. The tendency for political affiliations to be tied to racial, religious, or cultural backgrounds
C. The use of fake identities in online political discussions
D. The process of politicians changing their identity to win votes
E. The study of how personal identity influences political behavior

33. How has the rise of mass media and the internet affected American political culture?

A. It has eliminated all regional political differences.
B. It has led to complete political consensus.
C. It has dramatically changed how Americans engage with politics and form opinions.
D. It has reduced the importance of elections.
E. It has made traditional political participation obsolete.

34. In the US political system, one primary function of political parties is to

A. interpret laws
B. enforce campaign finance rules
C. appoint Supreme Court justices
D. organize voters and influence policy
E. confirm cabinet appointees

35. Which of the following is the primary role of interest groups?

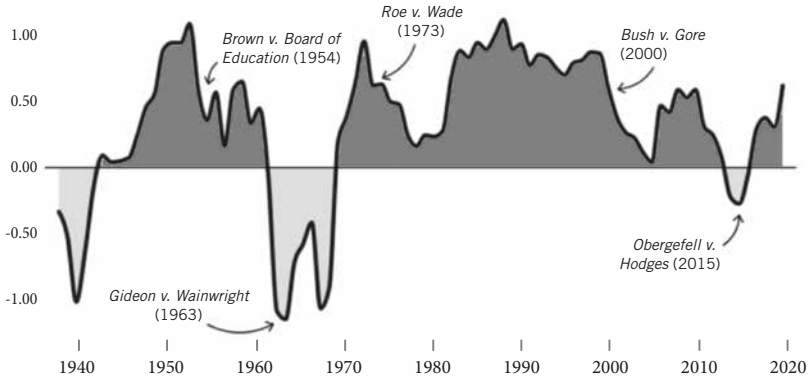
A. To lobby for specific policies or causes
B. To enforce laws
C. To hold politicians legally accountable for misdeeds
D. To write bills
E. To appoint federal judges

36. Within US Congress, congressional committees serve to

A. enforce laws
B. interpret laws
C. study bills, hold hearings, and shape legislation
D. appoint Supreme Court justices
E. conduct foreign policy

37. Which amendment states that "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"?

A. 5th Amendment
B. 9th Amendment
C. 10th Amendment
D. 12th Amendment
E. 17th Amendment

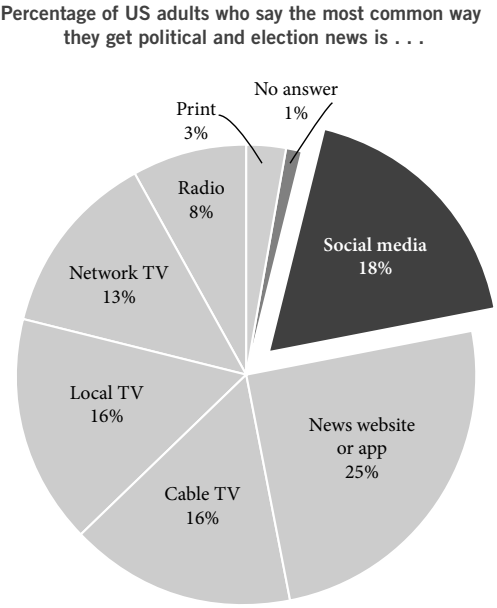


Median Judicial Ideology of Supreme Court Justices since 1937.
Negative values indicate liberal ideology, positive values indicate conservative ideology.

Source: Andrew Weinzierl, "How Supreme Court Ideology Has Shifted over Time," https://www.allsides.com/blog/how-supreme-court-ideology-has-shifted-over-time-ketanji-brown-jackson.

38. According to the graph above, what trends are evident about the ideological trajectory of the US Supreme Court since 1937?

A. The Court has become consistently more liberal over time.
B. The Court's ideology has remained relatively stable with minor fluctuations.
C. The Court has shifted between liberal and conservative leanings over different periods.
D. The Court has become steadily more conservative since the 1960s.
E. The Court's ideology has been primarily determined by landmark cases.


Percentage of US adults who say the most common way they get political and election news is . . .
No answer 1%
Print 3%
Radio 8%
Social media 18%
Network TV 13%
Local TV 16%
News website or app 25%
Cable TV 16%

Source: Amy Mitchell et al., "Americans Who Mainly Get Their News on Social Media Are Less Engaged, Less Knowledgeable," July 30, 2020, https://www.pewresearch.org/journalism/2020/07/30/americans-who-mainly-get-their-news-on-social-media-are-less-engaged-less-knowledgeable/.

39. According to the graph above, where do most US adults get their political and election news?

A. Social media
B. Radio
C. Television
D. Print media
E. News website or app

40. A "layer cake" model of federalism involving a clear separation of powers between national and state governments can best be described as

A. asymmetric federalism
B. symmetric federalism
C. cooperative federalism
D. competitive federalism
E. dual federalism

41. Raising the standard of living for all Americans, rallying for inclusive economic prosperity, promoting racial justice, and producing currency and coins are duties of the Department of

A. Commerce
B. Housing and Urban Development
C. Justice
D. Labor
E. the Treasury

42. During the creation of the Constitution, the Great Compromise was a notable milestone because it

A. ended the Civil War
B. resulted in the creation of the Bill of Rights
C. created a bicameral legislature
D. established the Electoral College
E. abolished slavery

43. Which of the following statements describes the philosophy of pluralism?

A. There should be multiple political parties in the United States.
B. Power should be distributed among many interest groups.
C. States should have more power than the federal government.
D. The president should serve multiple terms.
E. There should be many distinct levels of government.

44. In the American federal government, the primary function of the Supreme Court is to

A. make laws
B. enforce laws
C. interpret laws and the Constitution
D. appoint federal judges
E. monitor the executive branch

45. Which of the following describes stare decisis?

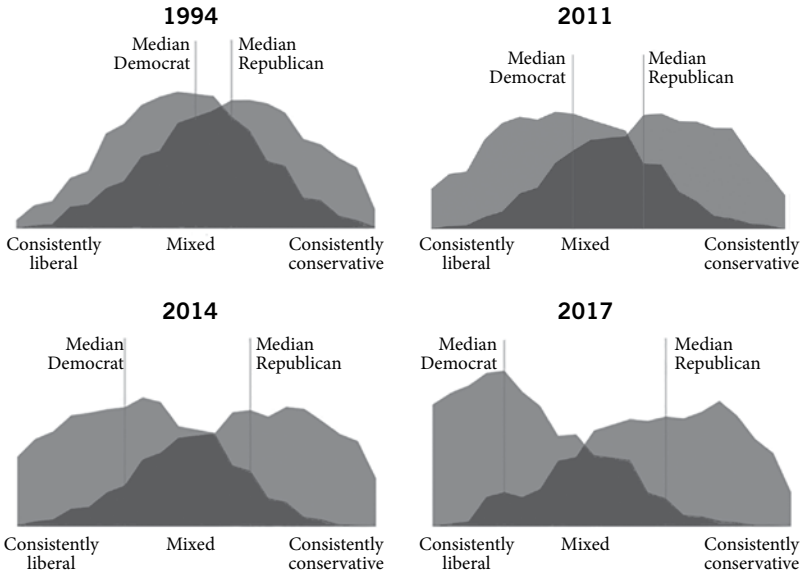
A. The process of selecting Supreme Court cases
B. The principle of judicial independence
C. The requirement for a unanimous Supreme Court decision
D. The process of impeaching a Supreme Court justice
E. The principle of following precedent in judicial decisions

46. Which constitutional amendment protects against unreasonable search and seizure?

A. 1st Amendment
B. 2nd Amendment
C. 4th Amendment
D. 5th Amendment
E. 6th Amendment

47. Which of the following was an outcome of the *Slaughter-House Cases* (1873)?

A. The end of slavery
B. Establishment of the "separate but equal" doctrine
C. Narrow interpretation the 14th Amendment's Privileges or Immunities Clause
D. Application of the Bill of Rights to the states
E. Establishment of the right to privacy



Source: "The Shift in American Public's Political Values," Pew Research Center, October 20, 2017, https://www.pewresearch.org/politics/feature/political-polarization-1994-2017.

48. The graph above reflects which trend in recent US voting behavior?

A. Decreasing polarization between parties
B. Increasing trust in government institutions
C. Uniform voting patterns across all age groups
D. Declining use of social media in campaigns
E. Growing ideological separation between Democratic and Republican voters

49. Which of the following is NOT typically considered a key component of American political culture?

A. Personal freedom
B. Equal opportunity
C. Popular sovereignty
D. Constitutionalism
E. Absolute monarchy

50. Which of the following best describes the concept of elite theory?

A. Only the elite should vote.
B. Democracy is controlled by a small, powerful group.
C. Elite education is necessary for democracy.
D. The elite should be exempt from laws.
E. Celebrities should run the government.

ANSWER KEY AND EXPLANATIONS

1. A	**11.** A	**21.** E	**31.** A	**41.** E
2. B	**12.** C	**22.** A	**32.** B	**42.** C
3. C	**13.** E	**23.** C	**33.** C	**43.** B
4. B	**14.** C	**24.** E	**34.** D	**44.** C
5. C	**15.** E	**25.** A	**35.** A	**45.** E
6. E	**16.** D	**26.** C	**36.** C	**46.** C
7. D	**17.** B	**27.** B	**37.** B	**47.** C
8. C	**18.** C	**28.** D	**38.** C	**48.** E
9. A	**19.** D	**29.** D	**39.** C	**49.** E
10. B	**20.** C	**30.** A	**40.** E	**50.** B

1. **The correct answer is A.** The legislative branch is primarily responsible for creating and passing legislation. The executive branch, led by the president, is responsible for enforcing laws (choice B), and the judicial branch interprets laws (choice C). While the power of confirmation means that Congress plays a role in appointing judges (choice D) and conducting foreign policy (choice E), these are still primarily executive duties.

2. **The correct answer is B.** Selective incorporation is the process by which the Supreme Court has interpreted the 14th Amendment's Due Process Clause and, on a case-by-case basis, applied most of the protections in the Bill of Rights to the states. Choice E uses the association between due process and the 14th Amendment as a distractor, but "due process" describes fair and equitable treatment by the judicial system. The other choices describe different processes: confirmation (choice A) describes multiple legislative processes (such as confirmation of Supreme Court nominees), certiorari (choice C) describes the process of selecting cases for the Supreme Court to hear, and voir dire (choice D) describes the jury selection process.

3. **The correct answer is C.** James Madison warned about the dangers of factions in *The Federalist* No. 10, arguing that direct democracy could lead to mob rule and threaten the sustainability of American democracy. While George Washington (choice E) warned against political parties in his farewell address, the question specifically refers to factions. The other choices are not associated with warnings about factions.

4. **The correct answer is B.** Political socialization refers to numerous processes by which people acquire political beliefs, attitudes, and behaviors. This includes influences from family, school, media, and personal experiences.

5. **The correct answer is C.** An echo chamber is an environment in which individuals encounter only information and opinions that reinforce their existing views. This phenomenon, which has become increasingly prevalent with the rise of social media and the algorithmic curation that comes with it, can lead to increased polarization and a lack of exposure to diverse perspectives. A filibuster (choice A) is a prolonged speech that allows a member of Congress to delay a vote. Grassroots organizations (choice B) and interest groups (choice D) both work to affect politics by advocating for their own causes. Choice E is tricky—it may have fooled you into thinking of *agenda* as in bias and *setting* as in environment, but agenda setting (choice E) describes the process of deciding which topics will be prioritized or addressed (for example, during a given congressional session).

6. **The correct answer is E.** The Electoral College was designed as a compromise between those who wanted a popular presidential election and those who wanted Congress to choose on behalf of voters. It allows for indirect election, giving weight to both state-level results and overall popular vote. The Electoral College doesn't count the popular vote directly (choice A), elect Congress (choice B), draft amendments (choice C), or take part in Supreme Court nominations (choice D).

7. **The correct answer is D.** The Federal Election Commission (FEC) is an independent agency tasked with overseeing elections and enforcing campaign finance rules. This agency is independent precisely because elected officials cannot oversee their own elections, so it logically cannot be an executive branch duty, though the vice president does certify election results.

8. **The correct answer is C.** Judicial review, established in *Marbury v. Madison*, gives the Supreme Court the power to evaluate whether laws and executive actions comply with the Constitution. This is not explicitly stated in the Constitution but has become a fundamental principle of American jurisprudence.

9. **The correct answer is A.** The term *bully pulpit* was coined by President Theodore Roosevelt and refers to the informal power of the presidency to influence public opinion and set the national agenda. This is not a formal constitutional power, but rather a consequence of the president's prominent position and media attention.

10. **The correct answer is B.** Substantive due process is a principle that allows courts to determine that certain rights are so fundamental that they warrant protection from government interference, even if proper procedures are followed. This is distinct from procedural due process, which ensures fair procedures when depriving someone of life, liberty, or property.

11. **The correct answer is A.** Ratified in 1865, the 13th Amendment abolished slavery and involuntary servitude, except as punishment for a crime. The 14th Amendment granted citizenship to all persons born or naturalized in the United States and guaranteed equal protection under the law (choice B). The 15th Amendment prohibited denial of voting rights based on race, color, or previous condition of servitude (choice C). The 16th Amendment allowed federal income tax (choice D). The 17th Amendment established direct election of US Senators (choice E).

12. **The correct answer is C.** During the Industrial Revolution, both rural-to-urban migration and increased immigration caused cities to grow rapidly, straining the capacity of local governments to provide public services. To fill the void, party bosses driving large political machines solidified their political influence by promising services and jobs in exchange for political loyalty. The corruption that ensued was a major initiating factor for Progressive Era reforms, meaning that the rise of party bosses and political machines ultimately helped bring about the Progressive Era.

13. **The correct answer is E.** The Compromise of 1877 resolved the disputed 1876 presidential election and led to the withdrawal of federal troops from the South, effectively ending Reconstruction. Both the Civil War (choice A) and the establishment of the Missouri Compromise line (choice B) came earlier. It had nothing to do with slavery (choice C) or women's suffrage (choice D).

14. **The correct answer is C.** The urban-rural divide refers to the significant differences in political views, cultural values, and voting patterns between people living in urban areas and those in rural areas. While the other choices may be related to aspects of urban-rural differences, they do not specifically describe the political and cultural divide referred to in political discourse. Population density (choice A), internet access (choice B), economic disparities (choice D), and agricultural production (choice E) are separate (though sometimes related) issues from the political divide.

15. **The correct answer is E.** A line-item veto is one in which the president rejects only part of a piece of legislation. If you recognize that a veto occurs when a president rejects some or all of a piece of legislation, then you can use a process of elimination to immediately discard choices A and B. From there, you would need to identify that a line-item veto differs from the others because a regular veto (choice C) is the rejection of a full piece of legislation and a pocket veto (choice D) occurs when a president simply leaves a bill unsigned until a legislative period has ended.

16. **The correct answer is D.** Popular sovereignty is a fundamental principle of American democracy, asserting that the legitimacy of the government comes from the consent of the people. This doesn't mean the most popular person rules (choice A), nor does it refer to state sovereignty (choice B). Sovereignty belonging to the Supreme Court (choice C) or to the president (choice E) are different conceptions of governmental power, not popular sovereignty.

17. **The correct answer is B.** The Bill of Rights, comprising the first 10 amendments to the Constitution, was added to explicitly protect certain individual rights and freedoms. The structure of the federal government is outlined in the main body of the Constitution (choice A), not the Bill of Rights. The amendment process is described in Article V of the Constitution (choice C). Presidential powers are mainly defined in Article II (choice D), and the tax system, while mentioned, is not the primary focus of the Bill of Rights (choice E).

18. **The correct answer is C.** Checks and balances are a fundamental tenet of the multibranch federal system in the United States. The phrase describes the balance of powers between branches that prevents any one branch from becoming too powerful. In this system, each branch is afforded powers that allow them to "check" the actions of the others to restore balance.

19. **The correct answer is D.** The idea that to "control the abuses of government," the government must be "[obliged] to control itself" against some of human nature's baser impulses, like the drive for total power, is a driving force behind the use of checks and balances in designing the federal government. The system of checks and balances ensures that each branch of government has its own duties and powers, including oversight of other branches, allowing them to check each other when power becomes imbalanced.

20. **The correct answer is C.** Federalism is a key principle of the US government structure, where power is divided between a central federal government and individual state governments. This system allows for both national unity and local autonomy, with each level of government having its own areas of authority.

21. **The correct answer is E.** Executive orders are directives issued by the president to federal agencies and officials instructing them on how to interpret and carry out existing laws. While they can significantly impact policy, executive orders cannot be used to create new laws (choice B) or override existing legal precedents (choice A). Impeaching federal officials (choice C) and declaring war (choice D) are legislative powers, though executive orders have sometimes been used to circumvent official declarations of war by Congress to execute military actions through the Department of Defense.

22. **The correct answer is A.** *Marbury v. Madison* established the Supreme Court's power of judicial review, allowing it to determine the constitutionality of laws and executive actions. *Dred Scott v. Sandford* (choice B) dealt with citizenship rights, *Plessy v. Ferguson* (choice C) established the "separate but equal" doctrine, *Brown v. Board of Education* (choice D) overturned *Plessy v. Ferguson* to end segregation in schools, and *Roe v. Wade* (choice E) concerned abortion rights.

23. **The correct answer is C.** The Equal Protection Clause requires that the government treat individuals in similar situations equally. Its primary aim is to prevent discrimination based on characteristics like race, gender, or national origin.

24. **The correct answer is E.** *Loving v. Virginia* is the Supreme Court decision that legalized interracial marriage nationwide. In this case, a Black woman and white man who had been married in Washington, DC, and moved to Virginia challenged Virginia's attempt to charge them for violating a ban on interracial marriage. The Court asserted that any attempt to limit, prevent, or ban marriages based on racial classifications was a violation of the 14th Amendment's Equal Protection Clause.

25. **The correct answer is A.** This 2010 decision removed many restrictions on political spending by corporations and unions, greatly increasing the influence of interest groups in politics through mechanisms like increased super PAC spending. None of the other cases address campaign finance.

26. **The correct answer is C.** An amicus curiae (Latin for "friend of the court") brief is submitted by an individual or organization that is not a party to the case but has a strong interest in the matter. These briefs are intended to bring relevant matters to the attention of the court that the parties may not have presented.

27. **The correct answer is B.** *Certiorari* refers to the process by which the Supreme Court decides which cases from lower courts it will review. When a petition for certiorari is granted, it means the Supreme Court has agreed to hear the case. This discretionary power allows the Court to focus on cases of national importance or those that need resolution due to conflicting decisions in lower courts.

28. **The correct answer is D.** The attorney general serves on the president's cabinet and is tasked with overseeing the Department of Justice (choice A), serving as the federal government's chief law enforcement officer (choice B), representing the United States in legal affairs (choice C), and occasionally appearing before the Supreme Court (choice E). However, the attorney general has no duties that relate to diplomacy; instead, the task of maintaining diplomatic relations with international organizations is the purview of the Department of State.

29. **The correct answer is D.** *United States v. Leon* established the "good faith" exception to the exclusionary rule, allowing evidence obtained through an invalid search warrant to be admissible if the police acted in good faith. *Mapp v. Ohio* (choice A) incorporated the exclusionary rule to the states, *Gideon v. Wainwright* (choice B) established the right to counsel for indigent defendants, *Miranda v. Arizona* (choice C) required police to inform suspects of their rights, and *Terry v. Ohio* (choice E) allowed for stop-and-frisk searches based on reasonable suspicion.

30. **The correct answer is A.** The New Deal, implemented by President Franklin D. Roosevelt, was a series of programs, financial reforms, and public works projects aimed at providing relief, recovery, and reform in response to the Great Depression. While some New Deal programs did help in war preparation (choice B), this was not their primary goal. Civil rights advancements for Black Americans (choice C) came later, territorial expansion (choice D) wasn't a New Deal focus, and the New Deal did not reduce the size of the federal government (choice E), it expanded it.

31. **The correct answer is A.** All the groups mentioned are interest groups, meaning they are formally organized groups dedicated to influencing public policy and advocating for a given cause. There are innumerable interest groups that play a role in influencing policymakers within the American government.

32. The correct answer is B. *Identity politics* refers to political positions or movements based on the shared experiences of members of a specific racial, religious, ethnic, or cultural group. While identity politics has always affected people's voting choices to some degree, the concept has become increasingly important in understanding American voting behavior and political allegiances in the 21st century.

33. The correct answer is C. The rise of mass media, and later the internet and social media, has fundamentally altered the way people access political information, engage in political discourse, and form political views. This shift has had a profound impact on American political culture. Choices A, B, and C all offer too extreme an answer to be plausible, and choice D can be eliminated because the importance of elections remains the same regardless of how people decide which issues and candidates to support.

34. The correct answer is D. Political parties play a crucial role in American democracy by organizing voters around shared ideologies, nominating candidates for office, and working to influence policy decisions. They serve as a link between the people and the government, helping to shape public opinion and translate it into policy action. The power to interpret laws (choice A) belongs to the judicial branch. Campaign finance laws (choice B) are overseen by the Federal Election Commission (FEC). The president appoints Supreme Court justices (choice C) and the Senate approves them, just as they also confirm cabinet (choice E) appointees.

35. The correct answer is A. Interest groups represent various sectors of society and work to influence government decisions in favor of their interests. They do this through lobbying legislators, running public awareness campaigns, and sometimes contributing to political campaigns through political action committees (PACs). However, interest groups do not have judicial power, so they are unable to hold politicians legally accountable for misdeeds (choice C), though they can file suits. Writing bills (choice D) is a legislative power and enforcing laws (choice B) and appointing federal judges (choice E) are executive powers.

36. **The correct answer is C.** Congressional committees play a crucial role in the legislative process by examining bills in detail, conducting hearings to gather information and expert opinions, and making changes to proposed legislation before it reaches the full chamber for a vote. This allows for more in-depth consideration of complex issues than would be possible on the floor of the full House or Senate.

37. **The correct answer is B.** The 9th Amendment asserts that even if the Bill of Rights did not mention a particular right or the founders could not yet conceive of a future right (such as rights surrounding modern issues like artificial intelligence or internet privacy), that doesn't mean that the people are not afforded those rights.

38. **The correct answer is C.** The Court has shifted between leaning liberal and leaning conservative during different time periods. It would be inaccurate to state that the Court has become consistently more liberal over time (choice A) because the graph shows clear periods of both liberal and conservative tendencies. It's also inaccurate to state that the Court's ideology has remained relatively stable with minor fluctuations (choice B) because the graph reveals significant swings in ideology rather than minor fluctuations, particularly between the late 1950s and early 1960s. While there was a general trend toward conservatism after the liberal peak of the Warren Court in the 1960s, the mid-2010s trended back toward liberal decisions, meaning the Court has not steadily become more conservative since the 1960s (choice D). Finally, although landmark cases are noted on the graph, they don't appear to be the primary determinants of the Court's overall ideology (choice E).

39. **The correct answer is C.** While social media (choice A) is a significant source of political news for many Americans, it is not the most common source according to this chart. Do not be distracted by the way the graph highlights this slice of the chart since the slices representing television sources add up to 45%, which is more than the 18% indicated for social media. The graph notes that print media (choice D) is one of the least important sources of political news, perhaps because news websites and apps (choice E) have superseded them in the modern age, becoming the second most common source at 25%. Radio (choice B) represents only 8% of the graph.

40. **The correct answer is E.** Under the umbrella of federalism, there are numerous ways to determine how powers and responsibilities are shared between federal governments and individual states within the system. Dual federalism is the "layer cake" model in which powers and duties are clearly divided between the national and state levels of government and was a guiding principle for early American governance. Asymmetric federalism (choice A) is a system in which the differing levels of independence or power within the system are determined on a state-by-state basis. Symmetric federalism (choice B) is not a system of federalism but was likely included as a distractor based on its similarity to choice A. Cooperative federalism (choice C) involves a "marble cake" model that emphasizes collaboration and shared responsibilities between levels of government, whereas competitive federalism (choice D) involves states competing for resources and new ideas.

41. **The correct answer is E.** Each of the 15 executive departments of the US government serve a unique function. However, since the Department of the Treasury largely dictates how the United States disburses economic resources, its duties are especially varied and include raising the standard of living for all Americans, rallying for inclusive economic prosperity, promoting racial justice, and producing currency and coins as well as collecting taxes, using economic sanctions to neutralize foreign threats, combating the economic impact of climate change, and disbursing payments owed to the American public. The Department of Commerce (choice A) focuses on supporting American businesses and industries, the Department of Housing and Urban Development (choice B) addresses housing needs and inequality, the Department of Justice (choice C) defends the country's legal interests, and the Department of Labor (choice D) helps the United States maintain a strong workforce.

42. **The correct answer is C.** The Great Compromise resolved the conflict between large and small states by creating a bicameral legislature: the House of Representatives with representation based on population, and the Senate with equal representation for each state. This was a crucial agreement that allowed negotiations on the Constitution to move forward.

43. The correct answer is B. Those who hold pluralist views see democracy as a contest among diverse groups with competing interests, with policy outcomes resulting from the consequent interplay of groups.

44. The correct answer is C. The Supreme Court, as the highest court in the land, is responsible for interpreting the Constitution and federal laws and determining their application in specific cases. It does not make laws, which is a function of the legislative branch (choice A) or enforce laws, which is a function of the executive branch (choice B). While the Court plays a role in the broader system of checks and balances, it does not directly oversee the executive branch (choice E) or appoint judges—the president nominates federal judges and the Senate confirms them (choice D).

45. The correct answer is E. Stare decisis is a legal principle that obliges courts to follow precedents established by historical cases when making a ruling on a similar case. This principle ensures consistency in the application of law and helps make the legal system more predictable.

46. The correct answer is C. The 4th Amendment protects against unreasonable search and seizure and requires warrants to be based on probable cause. The 1st Amendment (choice A) protects freedoms of speech, religion, press, assembly, and petition. The 2nd Amendment (choice B) protects the right to bear arms. The 5th Amendment (choice D) provides various protections in criminal proceedings, including the right against self-incrimination. The 6th (choice E) Amendment guarantees rights in criminal prosecutions, including the right to a speedy and public trial.

47. The correct answer is C. This decision limited the impact of the 14th Amendment by narrowly defining the rights protected by the Privileges or Immunities Clause. Slavery was abolished (choice A) by the 13th Amendment, "separate but equal" was established (choice B) in *Plessy v. Ferguson*, the application of the Bill of Rights to the states (choice D) happened gradually over time, and the right to privacy was established (choice E) much later.

48. **The correct answer is E.** In recent years, there has been an increasing ideological divide between supporters of the two major parties in the United States. This trend, often referred to as polarization, has been widely observed and studied. The other options are incorrect: polarization is increasing, not decreasing (choice A); trust in government institutions has generally been declining (choice B); voting patterns continue to show significant differences across age groups (choice C); and social media use in campaigns has been increasing, not declining (choice D).

49. **The correct answer is E.** Absolute monarchy is rule by a single, all-powerful monarch, which is contrary to American democratic principles and political culture. Personal freedom (choice A), equal opportunity (choice B), popular sovereignty (choice C), and constitutionalism (choice D) are all key elements of American political culture, reflecting core values of the US political system. These principles are embedded in founding documents like the Declaration of Independence and the Constitution.

50. **The correct answer is B.** Elite theory suggests that despite democratic institutions, real power is held by a political, economic, and military elite. This theory is often used to critique the influence of wealthy donors and powerful corporations in politics. Elite theory is descriptive, not prescriptive—it doesn't propose that only the elite should be able to vote (choice A). It doesn't focus on the necessity of elite education for democracy to function (choice C). Rather than advocating for legal exemptions for elites (choice D) or making claims about any particular group's qualifications to rule (choice E), elite theory suggests that elites may have disproportionate influence over the creation and enforcement of laws.

MY PRACTICE TEST SCORES BY CATEGORY		
Category	**Question Numbers**	**Raw Score**
Institutions and policy processes	1, 2, 7, 8, 9, 15, 21, 26, 27, 28, 30, 36, 41, 44, 45	_____ /15
Civil liberties and civil rights	10, 11, 22, 23, 24, 29, 37, 38, 46, 47	_____ /10
Political parties and interest groups	3, 12, 13, 31, 34, 35, 39	_____ /7
Political beliefs and behavior	4, 5, 14, 25, 32, 33, 48, 49	_____ /8
Constitutional underpinnings of American democracy	6, 16, 17, 18, 19, 20, 40, 42, 43, 50	_____ /10
Total Raw Score		_____ /50
Full Test Raw Score Projection*		_____ **/100****

* Multiply raw score by 2.

** CLEP's full-length exam is approximately 100 questions; this practice test will provide a rough estimate.

Chapter 3

Diagnostic Test Answer Sheet

1. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	10. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	19. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
2. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	11. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	20. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
3. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	12. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	21. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
4. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	13. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	22. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
5. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	14. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	23. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
6. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	15. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	24. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
7. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	16. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	25. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
8. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	17. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	
9. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	18. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	

Chapter 10

Practice Test Answer Sheet

1. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	18. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	35. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
2. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	19. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	36. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
3. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	20. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	37. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
4. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	21. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	38. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
5. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	22. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	39. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
6. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	23. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	40. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
7. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	24. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	41. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
8. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	25. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	42. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
9. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	26. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	43. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
10. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	27. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	44. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
11. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	28. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	45. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
12. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	29. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	46. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
13. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	30. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	47. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
14. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	31. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	48. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
15. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	32. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	49. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
16. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	33. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	50. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ
17. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	34. Ⓐ Ⓑ Ⓒ Ⓓ Ⓔ	

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